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RESEARCH BASED CASE STUDY

Parliament and the Executive

Parliament and executive

The Constitution provides for the: (i) Legislature to make laws, (ii) Executive to implement laws, and (iii) Judiciary to interpret and enforce these laws. While the Judiciary is independent from the other two branches, the Executive (Council of Ministers) is formed with the support of a majority of members in the Legislature.

Therefore, the Executive is collectively responsible to Parliament for its actions. This implies that Parliament can hold the government accountable for its decisions, and scrutinise its functioning

A Member of Parliament (MP) is primarily responsible for: (i) debating and passing laws, (ii) scrutinising government policies and their implementation, (iii) approving government expenditure, and (iv) Representing the interests of people. In this note we look at the relationship between the Executive and the Legislature.

Convening Parliament

Under the Constitution, Parliament must be convened by the President at least once in every six months. Since the President acts on the advice of the Executive, the duration of the session is decided by the government.

Over the years, there has been a decline in the sitting days of Parliament. While Lok Sabha met for an average of 130 days in a year during the 1950s, these sittings came down to 70 days in the 2000s. This implies that Parliament was able to transact less business compared to previous years. To address this, the National Commission on the Working of the Constitution (NCRCW) has recommended that Lok Sabha should have at least 120 sittings in a year, while Rajya Sabha should have 100 sittings. Some countries such as the United Kingdom (UK) and Australia release an annual calendar of sittings at the beginning of the year. It may be argued that given the Legislature's role in keeping the Executive accountable for its actions, the government should not have the power to convene Parliament. Instead, Parliament should convene itself, if a certain number of MPs agree, so that it can effectively exercise its oversight functions and address issues without delay.

Promulgating Ordinances

The Constitution allows the Executive to promulgate an Ordinance (temporary law) in case of an emergency, when either House of Parliament is not in session. An Ordinance remains in force for a maximum period of six months, unless it is approved by Parliament. Some Members of the Constituent Assembly had observed that law making powers should vest only with the Legislature, and not the Executive. In case of an emergency, the Parliament should be summoned, as is the case in most democracies. Note that while countries such as Pakistan and Bangladesh allow the Executive to promulgate Ordinances, other countries such as the United States of America (US), Canada and Australia do not vest similar legislative powers in the government.

The number of Ordinances that were promulgated has reduced from 77 during the 10th Lok Sabha to 25 in the 15th Lok Sabha. However, there have been instances when Ordinances have lapsed as they have not been approved by Parliament. In some of these cases, the government has re-promulgated the lapsed Ordinance. For example, the Enemy Property (Amendment) Ordinance has been promulgated

four times, and an Ordinance related to Land Acquisition has been promulgated thrice. The Supreme Court in a 1986 judgement had observed that the power to promulgate Ordinances is meant to be used in extraordinary circumstances, and not as a substitute for the law making powers of the Legislature.

Regulators

Various regulators are established by Parliament to regulate competition and set standards in a sector. Though independent in their functioning, these regulators are a branch of the Executive, and are therefore accountable to Parliament. Typically, they are required to present their annual reports to Parliament. However, these reports are rarely discussed. The functioning of regulators is also scrutinised during Question Hour. However, any questions surrounding their functioning are answered by the concerned minister, and not by the regulators themselves.

Parliamentary committees also examine the performance of regulators. For example, the Standing Committee on Health has examined the functioning of regulators such as the Medical Council of India, and the Standing Committee on Energy is currently examining the role of regulators in the Power sector. While a committee can summon regulators to depose before them, these interactions are not regular. In countries such as the UK, regulators may be frequently called to appear before Parliament. The officers of the Bank of England appear regularly before the Treasury Committee of the House of Commons.⁵ In the US, the Federal Reserve is required to send semi-annual reports to banking committees of both Houses

Subordinate Legislation

While the Legislature is responsible for making laws, the Executive specifies operational details in rules and regulations for their implementation. It is important to scrutinise these rules to ensure that they are within the limits prescribed in the law. Rules are laid in Parliament, where they may be scrutinised through: (i) debates, (ii) statutory motions to amend or annul them, (iii) Question Hour, or (iv) the Committee on Subordinate Legislation.

Note that statutory motions to amend or annul rules are rarely moved in Parliament. During the 15th Lok Sabha, statutory motions were moved on three occasions to discuss the Civil Liability for Nuclear Damage Rules, 2011, the Information Technology Rules, 2011, and the Airports Authority of India (Major Airports) Development Fees Rules, 2011. There have been no such motions in the current Lok Sabha (16th Lok Sabha) till now.

Accountability of the Executive to Parliament

Question Hour

During Question Hour, MPs may pose questions to ministers to hold the Executive accountable for implementing laws and policies. While for unstarred questions a written reply is given, starred questions require an oral answer to be given by the concerned minister. MPs are allowed to ask two follow-up questions to the minister based on his answer.

In the 16th Lok Sabha, question hour has functioned in Lok Sabha for 82% of the scheduled time, while in Rajya Sabha it has functioned for 43%. A lower rate of functioning may reflect time lost due to disruptions which reduces the number of questions that may be answered orally. While Parliament may sit for extra hours to transact other business, time lost during Question Hour is not made up.

Currently, there is no mechanism for answering questions which require inter-ministerial expertise or relate to broader government policy. Since the Prime Minister does not answer questions other than the

ones pertaining to his ministries, such questions may either not get adequately addressed or remain unanswered. Note that in the UK, the Prime Minister's Question Time is conducted on a weekly basis. During the 30 minutes the Prime Minister answers questions posed by various MPs. These questions relate to broader government policies, engagements and issues affecting the country

Debates and Motions

Issues may be raised in Parliament to examine the functioning of the government through: (i) a debate, which entails a reply by the concerned minister, or (ii) a motion which entails a vote. The time allocated for discussing some of these debates or Bills is determined by the Business Advisory Committee of the House, consisting of members from both the ruling and opposition parties.

Using these methods, MPs may discuss important matters, policies, and topical issues. The concerned minister while replying to the debate may make assurances to the House regarding steps that will be taken to address the situation. As of August 2016, 40% of the assurances made in the 16th Lok Sabha have been implemented.

Alternatively, MPs may move a motion to discuss matters such as inflation, drought, and corruption. These motions may be moved for: (i) discussing issues (Rule 184 in Lok Sabha and Rule 167 in Rajya Sabha), (ii) adjournment of business in a House in order to express displeasure over a government policy, or (iii) expressing no confidence in the government leading to its resignation. The 16th Lok Sabha has discussed one adjournment motion so far.

To improve government accountability in Parliament, the opposition in some countries such as the UK, Canada, and Australia forms a shadow cabinet. Under such a system, opposition MPs track a certain portfolio, scrutinise its performance and suggest alternate programs. This allows for detailed tracking and scrutiny of ministries, and assists MPs in making constructive suggestions.

Parliamentary Committees Parliamentary committees are responsible for scrutinising actions of the government. Since Parliament has limited time to discuss a legislation or issues, these committees provide a forum for detailed scrutiny and deliberations. Parliamentary standing committees examine: (i) Bills referred to them, (ii) demands for grant of ministries, or (iii) other subjects. Parliament also has three financial committees which examine if government expenditure conforms to its budgetary estimates, and if such expenditure is for the purpose for which approval had been sought. Recommendations made by these committees may or may not be accepted.

In the 16th Lok Sabha, 33% of Bills introduced in Parliament have been referred to a committee, which is low when compared to earlier Lok Sabhas. In countries such as the UK, Bills are mandatorily referred to committees of both Houses of Parliament. These committees have the power to amend Bills. However, their amendments may be overturned by MPs during a discussion on the Bill. The NCRCW has recommended that all Bills should be referred to committees.

Scrutiny of financial business

Parliament is responsible for scrutinising the finances of the Executive by: (i) approving the levy of taxes and expenditure of the government, and (ii) examining if the approved expenditure has been spent properly. This scrutiny is undertaken during discussions: (i) on the general budget, (ii) on the department-wise demand for grants, and (iii) in parliamentary committees.

Parliamentary committees generally examine proposed government expenditure before it is approved by Parliament, and subsequently scrutinise if funds have been spent for the sanctioned purposes. However, they do not examine the Finance Bill, which contains the government's tax proposals.

Over the years, time spent by Parliament on discussing the general budget (including discussions on the demand for grants) has reduced from 135 hours in 1985 to 44 hours in 2016. As a result, less than 10% of the total budget is discussed in most years. Further, there have been instances when reports by parliamentary committees are presented either after the demands have been discussed, or on the day of discussion. For example, in 2016, the Standing Committee Report on the demands for the North-Eastern Region was presented on the day of the discussion. It is unlikely that MPs discussing the demands had sufficient time to study the Committee's recommendations.

In addition to scrutiny of individual demands by standing committees, the financial committees such as the Estimates Committee and the Public Accounts Committee examine whether the funds have been spent as estimated at the time of approval, and for sanctioned purposes. However, reports given by these financial committees are rarely discussed in Parliament.

Independence of the Legislature from the Executive

Office of profit

To ensure that legislators scrutinise the Executive without any influence, the Constitution provides that an MP may be disqualified for holding an office of profit under the government. A person would be disqualified if: (a) he holds an office which entails profit (i.e. it carries a remuneration), (b) the office is under the central or state governments, and (c) the office is not excluded in a list made by Parliament.

The Second Administrative Reforms Commission in 2007 noted that over time an office of profit has come to be associated with whether or not the 'office' entails remuneration. This ignores whether the office allows the Executive to exert its influence on MPs and their decisions.

Given that ministers have to be drawn from among MPs, the Constitution exempts the post of a 'Minister' from being an office of profit. It also permits Parliament to make laws to exempt other offices. This list of exempted offices has been amended a number of times to include various academic and executive offices such as the Indian Statistical Institute, Calcutta, West Bengal Fisheries Corporation Limited, and Irrigation and Flood Control Commission, Uttar Pradesh. It may be argued that exempting a wide range of bodies functioning under the government may be contrary to the principle of separation of powers, and may involve legislators performing Executive functions.

Member of Parliament Local Area Development Scheme

The Member of Parliament Local Area Development Scheme (MPLADS) allocates five crore rupees to each MP per year, for sanctioning development activities in their constituencies. The role of executing project work is in the domain of the Executive, and MPLADS violates this principle. Expert bodies have suggested that MPLADS should be discontinued as it requires a legislator to perform the functions of the Executive, whereas their primary role is to scrutinise the functioning of the Executive.

Anti-defection law The Constitution was amended in 1985 to provide for an MP to be disqualified if he votes against the party's direction in Parliament or leaves the party. It has been argued that such a provision restricts a legislator from voting in line with his conscience, judgement and interests of his electorate. Since the majority party in Lok Sabha forms the government, the anti-defection law ensures that the Executive receives support from all party MPs for its policies and decisions. This may impede the oversight function of the Legislature over Executive functioning, and restrict an MP from effectively scrutinising the functioning of the government.

Chapter No- 1

Historical Background

The Regulating Act, 1773

1. This act provided for the centralization of administration of company's territories in India.
2. Governor of Bengal became Governor-General for all British territories in India.
3. Supreme Court to be set up at Calcutta.

The Pitts India Act, 1784

1. Subordinated the Bombay and Madras Presidency to Bengal in all questions of war, diplomacy and revenues.
2. Strength of Governor-General in council reduced to 3.

The Charter Act, 1793

This Act gave the power to the Governor-General to override his council.

The Charter Act, 1813

The Act provided rules and procedures for the use of Indian revenue.

The Charter Act, 1833

1. Governor-General of Bengal to be Governor-General of India.
2. Government of Madras and Bombay deprived of legislative powers.
3. Law members added to the council of Governor-General.

The Charter Act, 1853

1. The Act for the first time created a separate legislative machinery consisting of 12 members legislative council.
2. Law member was made a full member of the Executive Council of the Governor-General.

The Government of India Act, 1858

1. Secretary of state for India was created.
2. The Secretary of state was assisted by a 15 member council.
3. Governor-General was to be called as the Viceroy.
4. A highly centralized administrative structure created.

The Indian Council Act, 1861

1. Government started associating Indians in legislation.
2. A fifth member added to the Viceroy's executive council.
3. For legislative purposes, executive council of Viceroy was enlarged by 6 to 12 members.

The Indian Council Act, 1892

1. Introduction of indirect elections for the non-official members of the Imperial and Provincial Legislative Councils.
2. The councils at both levels were to have the power of discussing the Budget but not of voting.

The Morley-Minto Reforms (The Indian Council Act, 1909)

1. Provision of indirect elections to the legislative councils introduced.
2. Additional members in Central Legislative increased to 60.

3. The membership of the Legislative Councils of the different provinces enlarged.
4. The members were given the right of discussion and asking supplementary questions.

The Government of India Act, 1919

(Montague-Chelmsford Reforms)

1. Dyarchy system introduced in the provinces.
2. The Provincial Subjects of administration were to be divided into 'Transferred' and 'Reserved' Subjects.
3. Indian legislature became 'bicameral'.
4. Communal representation extended to Sikhs.

The Government of India Act, 1935

1. Dyarchy introduced at the centre.
2. Provincial autonomy replaced dyarchy in provinces.
3. Provision for the establishment of an All India Federation consisting of the British Provinces and Princely States.
4. Establishment of a Federal Court.
5. Three fold division of powers-Federal, Provincial and Concurrent Lists.
6. Separate electorate extended to include Anglo-Indians, Indian Christians and Europeans.

Important Facts

1. The Constitution of India was formally enacted on 26 November, 1949.
2. The Constitution of India came into force on 26 January, 1950.
3. There were 395 Articles and 8 Schedules in the Constitution when it was finally passed.
4. The constitution of India was framed and adopted by the Constituent Assembly of India.
5. As per the Cabinet Mission Plan of 1946, the Constituent Assembly was set up in November 1946.
6. The members were elected indirectly by the Provincial Assemblies in the ratio of one member per one million population.
7. There were a total of 389 members in the Constituent Assembly of which 296 were elected by the members of the Provincial Assemblies and the rest were nominated by the Princely States.
8. The first meeting of the Constituent Assembly was held on 9th December, 1946 with Sachidanand Sinha as the interim President.
9. Later Dr. Rajendra Prasad was elected as the President of the Constituent Assembly on 11th December, 1946.
10. The historic "Objective Resolution" was moved in the Constituent Assembly by Pt. Jawahar Lal Nehru on 13th December, 1946 which ultimately became the Preamble of our Constitution.
11. The Constituent Assembly formed 13 important committees for framing the Constitution.
12. A drafting committee of 7 members was set up on 29th August, 1947 under the Chairmanship of Dr. B.R. Ambedkar.
13. The Constituent Assembly worked in three phases.
 - i. 1st Phase: As Constituent Assembly under the limitations of Cabinet Mission Plan-6th December, 1946 to 14th August, 1947.
 - ii. 2nd Phase: As Constituent Assembly, a sovereign body + Provisional Parliament – 15th August, 1947 to 26th November, 1949.
 - iii. 3rd Phase: As a Provisional Parliament-27th November, 1949 to March, 1952.
14. The Constituent Assembly took 2 years 11 months and 18 days to frame the Constitution
15. The design of the National Flag was adopted by the Constituent Assembly on July 22, 1947.

16. The National Anthem was adopted by the Constituent Assembly on January 24, 1950.
17. The first meeting of the Constituent Assembly was boycotted by the Muslim League.
18. Shri B.N.Rau was appointed as the legal Advisor of the Constituent Assembly.
19. The song 'Jana-gana-Mana' was adopted by the Constituent Assembly as the National Anthem on 24th January 1950.

MCQ's with Explanations

1. In which of the following acts the provincial subjects were divided into transferred and reserved subjects?
- a) Indian Council's Act, 1892 b) Indian Council's Act, 1909
- c) Montague Chelmsford Reforms Act, 1919 d) Government of India Act, 1935

Ans: C

1. Reserved subjects like Finance, law and order, army, police etc.
2. Transferred subjects like public health, education, agriculture, local self government etc.

2. Arrange the following in their chronological sequence:
- | | | | |
|---------------------|-------------------------------|---------------|---------------|
| 1. Cripps Mission | 2. Montague Chelmsford Report | | |
| 3. Simon Commission | 4. Morely- Minto reforms | | |
| a) 2,3,1,4 | b) 4, 2, 3, 1 | c) 3, 1, 2, 4 | d) 1, 4, 3, 2 |

Ans B

The Indian Councils Act 1909, commonly known as the Morley-Minto Reforms, was an Act of the Parliament of the United Kingdom that brought about a limited increase in the involvement of Indians in the government of British India.

Montague Chelmsford Report Prepared in 1918 and formed the basis of the Government of India Act 1919.

- **Simon Commission:** The Indian Statutory Commission was a group of seven British Members of Parliament of United Kingdom that had been dispatched to India in 1928 to study constitutional reform in Britain's most important colonial dependency.
- **Cripps' mission:** In March 1942, a mission headed by Stafford Cripps was sent to India with constitutional proposals to seek Indian support for the war.

3. Which one of the following was denounced by congress as “inadequate, unsatisfactory and disappointing”?
- a) Indian Councils Act, 1909 b) Montague Chelmsford Report 1918
- c) Simon commission Report 1930 d) Communal Award, 1932

Ans B

In 1918, Edwin Montagu, the Secretary of State, and Lord Chelmsford, the Viceroy, produced their scheme of constitutional reforms. These reforms, popularly known as Montagu-Chelmsford reforms, led to the enactment of Government of India Act of 1919. Silent features of the act are as follows:

- The Council of Secretary of State was to comprise 8 to 12 people, three of them Indian
- Dyrachy System was introduced as the provincial level, under this system, Subjects of Administration were divided into two groups; 1. Reserved subjects and 2. Transferred subjects. Reserved subjects were under the direct control of governors, while transferred subjects were under ministers responsible to the legislature.
- The central legislature was to consist of two houses: the Council of State or Upper House and the Legislative Assembly or Lower House. Both the Houses had equal legislative powers.

- Sikhs, Anglo-Indians, Christians and Europeans were also given the right to separate electorates.
 - Provincial legislatures were to be unicameral.
 - The legislature had virtually no control over the Governor General and his executive council
 - The right to vote was severely restricted
 - Part of the expenses of the office of the Secretary of State was to be met by the British government.
4. Arrange the following in their chronological sequence:
- | | | | |
|--------------------------------|--|---------------|---------------|
| 1. Nehru Committee Report | 2. Quit India Movement | | |
| 3. Civil Disobedience Movement | 4. Declaration of Complete Independence. | | |
| a) 2, 1, 4, 3 | b) 3, 2, 4, 1 | c) 1, 4, 3, 2 | d) 4, 2, 1, 3 |
- Ans C
- The Nehru Report in August 1928 was a memorandum outlining a proposed new dominion status constitution for India.
- Quit India Movement was a civil disobedience movement launched in India in August 1942.
5. The Sikhs got special electorates in which of the following Acts?
- | | |
|----------------------------------|----------------------------------|
| a) Indian Councils Act, 1892 | b) Indian Councils Act, 1909 |
| c) Government of India Act, 1919 | d) Government of India Act, 1935 |
- Ans C
- Government of India Act, 1919 applied the Principle of communal representation to Muslims, Sikhs, Anglo-Indians, and Indian Christians etc.
6. The Avadi Session of the Congress (1956) accepted the policy of
- | | |
|------------------------|-----------------------------------|
| a) Cooperative Farming | b) Import Substitution |
| c) Garibi Hatao | d) Socialistic Pattern of society |
- Ans D
- The Congress met in Madras in 1955. The famous Avadi session saw the adoption of a resolution moved by Jawaharlal Nehru on the 'Socialistic Pattern of Society'. In 1988, a meeting of the All India Congress Committee, presided over by Rajiv Gandhi, was held at Maraimalainagar, following which the area developed rapidly as an industrial estate.
7. This question consists of two statements, one labeled as Assertion (A) and the other labeled as Reason (R).
- Assertion (A): Ambedkar was in favour of separate electorate for depressed classes.
- Reason (R): He was in Agreement with Gandhi.
- | |
|---|
| a) Both (A) and (R) are true and (R) is the correct explanation of (A). |
| b) Both (A) and (R) are true and (R) is not the correct explanation of (A). |
| c) (A) is true, but (R) is false |
| d) (A) is false, but (R) is true. |
- Ans C
- An agreement between Dr. Babasaheb Ambedkar and Mahatma Gandhi signed on 24 September 1932 at Yerwada Central Jail in Pune. It was signed by Pt Madan Mohan Malviya and Dr. B.R. Ambedkar and some Dalit leaders to break the fast unto death undertaken by Gandhi in Yerwada jail to annul Macdonald Award giving separate electorate to Dalits for electing members of state legislative assemblies in British India.

8. Who among the following created the office of the district collector in India?

- a) Lord Cornwallis
b) Warren Hastings
c) The Royal Commission on Decentralization
d) Sir Charles Metcalfe

Ans B

Warren Hastings, PC (6 December 1732–22 August 1818) was the first Governor General of India, from 1773 to 1785. Warren Hastings introduced the office of the District collector in 1772.

The office of the Collector during the British Raj held Multiple responsibilities- as Collector, he was the head of the revenue organization, charged with registration, alteration, and partition of holdings; the settlement of disputes; The management of indebted estates; loans to agriculturists, and famine relief. As District Magistrate, he exercised general supervision over the inferior courts and in particular, directed the police work. The office was meant to achieve the “peculiar purpose” of collecting revenue and of keeping the peace. The Superintendent of Police, Inspector General, of Jails, the Surgeon General, the Chief Conservator of Forests and the chief Engineer had to inform the Collector of every activity in their Departments. Though the additional Commissioners of Income Tax are important officials of the district they do not have to send a report to the collector as they work for the central government and not the state governments.

Until the later part of the nineteenth century, no native was eligible to become a district collector. But with the introduction of open competitive examinations for the Indian Civil Services, the office was opened to natives, Anandaram Baruah, the sixth Indian and the first Assamese ICS officer, became the first Indian to be appointed a District Magistrate.

The district continued to be the unit of administration after India gained independence in 1947. The role of the District Collector remained largely unchanged, except for separation of most judicial powers to judicial officers of the district. Later, with the promulgation of the National Extension Services and Community Development Programme by the Nehru government in 1952, the District Collector was entrusted with the additional responsibility of implementing the government's development programmes in the district.

9. At the time of commencement of the Indian Community how many years were laid down for appointment to the post in the Railways, Customs, Postal and telegraph services for the Anglo-Indian community-

- a) 2 Years b) 5 years c) 4 Years d) 6 years

Ans A

10. How many Schedules are incorporated in the Constitution of India-

- a) Eleventh Schedule
b) Tenth Schedule
c) Ninth Schedule
d) Twelfth Schedule

Ans D

Schedules are lists in the Constitution that categorize and tabulate bureaucratic activity and policy of the Government.

- a. First Schedule (Articles 1 and 4) – This lists the states and territories of India, lists any changes to their borders and the laws used to make that change.
- b. Second Schedule (Articles 59(3), 65(3), 75(6). 97, 125, 148(3), 158(3), 164(5), 186 and 221)- this lists the salaries of officials holding public office, judges, and comptroller and Auditor General of India.

- c. Third Schedule (Articles 75(4), 99, 124(6), 148(2), 164(3), 188 and 219)- Forms of Oaths – this lists the oaths of offices for elected officials and judges.
- d. Fourth Schedule (Articles 4(1) and 80(2)- this details the allocation of seats in the Rajya Sabha (the upper house of Parliament) per State or Union Territory.
- e. Fifth Schedule (Article 244(1))- This provides for the administration and control of Scheduled Areas and Scheduled Tribes (Areas and tribes needing special protection due to disadvantageous conditions).
- f. Sixth Schedule (Articles 244(2) and 275(1))- Provisions made for the administration of tribal areas in Assam, Meghalaya, Tripura, and Mizoram.
- g. Seventh Schedule (Article 246)- The union (central government), state, and concurrent lists of responsibilities.
- h. Eighth Schedule (Articles 344(1) and 351)- The official languages.
- i. Ninth Schedule (Article 31-B)- Validation of certain Acts and Regulations.
- j. Tenth Schedule (Articles 102(2) and 191(2))- “Anti defection” provisions for Members of Parliament and Members of the State Legislatures.
- k. Eleventh Schedule (Article 243 –D)- Panchayat Raj (rural local government),
- l. Twelfth Schedule (Article 243-W)- Municipalities (urban local government).

11. The plan of Sir Stafford Cripps envisaged that after the Second World war.

- a) India should be granted complete independence
- b) India should be partitioned into two before granting independence
- c) India should be made a republic
- d) India should be given domination status.

Ans D

The Cripps mission was an attempt in late March 1942 by the British government to secure full Indian cooperation and support for their efforts in World War II. The mission was headed by Sir Stafford Cripps, a senior left-wing politician and government minister in the War Cabinet of Prime Minister Winston Churchill. Cripps was sent to negotiate an agreement with the nationalist leaders, speaking for the majority Indians, and Muhammad Ali Jinnah, speaking for the minority Muslim population. Cripps worked to keep India loyal to the British war effort in exchange for a promise of full self-government after the war. Cripps promised to give dominion status after the war as well as elections to be held after the war. Cripps discussed the proposals with the Indian leaders and published them. Both the major parties, the Congress and the League rejected his proposals and the mission proved a failure. Cripps had designed the proposals himself, but they were too radical for Churchill and the Viceroy, and too conservative for the Indians; no middle way was found. Congress moved toward the Quit India movement whereby it refused to cooperate in the war effort, while the British imprisoned practically the entire Congress leadership for the duration of the war. Jinnah was pleased to see that the right to opt out of a future Union was included.

12. Which one of the following recommended a change in the pattern of Dyarchy introduced under the Act of 1919?

- a) Simon Commission
- b) Sapru Commission
- c) Butler Commission
- d) Muddiman Commission

Ans A

13. The Cabinet Mission Plan envisaged for India

- a) Federation
- b) Confederation
- c) Quasi-Federation
- d) Union of State

Ans D

The Cabinet Mission of 1946 to India aimed to discuss and plan for the transfer of power from the British Government to Indian leadership, providing India with independence. Formulated at the initiative of Clement Attlee, the Prime minister of the United Kingdom, the mission consisted of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A.V. Alexander, the First Lord of the Admiralty. Lord Wavell, the Viceroy of India, did not participate.

The Cabinet Mission's Purpose:

- Hold preparatory discussions with elected representatives of British India and the Indian states in order to secure agreement as to the method of framing the constitution.
- Set up a constitution body
- Set up an executive Council with the support of the main Indian parties.

14. Which of the following Acts had introduced communal electorate system in India.

- | | |
|----------------------------|---------------------------------|
| a) Indian council Act 1909 | b) Government of India Act 1919 |
| c) Indian Council Act 1861 | d) Indian Council Act 1862 |

Ans A

15. In the federation established by the Act 1935, residuary powers were given to the

- | | |
|------------------------|---------------------------|
| a) Federal Legislature | b) Provincial Legislature |
| c) Governor General | d) Provincial Governors |

Ans C

16. Who was the head of the committee, known as 'Nehru Committee'?

- | | | | |
|--------------|---------------|------------------|---------------------|
| a) B K Nehru | b) Arun Nehru | c) Motilal Nehru | d) Jawaharlal Nehru |
|--------------|---------------|------------------|---------------------|

Ans C

The Nehru Report of 10 August, 1928 was a memorandum outlining a proposed new dominion status constitution for India. It was prepared by a committee of the All Parties conference chaired by Motilal Nehru with his son Jawaharlal acting as secretary. There were nine other members in this committee, including two Muslims. The final report was signed by Motilal Nehru, Ali Imam, Tej Bahadur Sapru, M.-S. Aney, Mangal Singh, Shuaib Qureshi, Subhas Chandra Bose, and G.R. Pradhan. Shuaib Qureshi disagreed with some of the recommendations.

17. Which one of the following is one of the objectives of the Indian National Congress in 1885?

- | | |
|----------------------------|---------------------------|
| a) Promotion of friendship | b) Eradication of Poverty |
| c) Demand for Swaraj | d) Independence |

Ans A

Indian National Movement got an impetus after the foundation of the Indian National Congress in 1885. Mr.A.O. Hume, a retired member of the Indian Civil Service, took the initiative in this direction. He appealed to the graduates of the Calcutta university to form an association for the moral, social and political regeneration of the Indians. Lord Dufferin, the then Viceroy of India, supported the idea. Leaders like Dada Bhai Nauroji S.N. Banerjee, Ferozshah Mehta, Badruddin Tyabji and others helped him to found the Indian National Congress.

Aims and Objectives of the Congress Leaders from 1885 to 1905: The early phase of the National Movement was dominated by the moderate leaders like Daba Bhai Nauroji, Surendra Nath Banerjee, Ferozshah Mehta, Gopal Krishna Gokhale etc. they believed in peaceful and constitutional methods.

They tried to achieve the following objectives.

- a. Demand for wider powers for the councils and training in self government
- b. Removal of poverty by the rapid development of agriculture and modern industries
- c. Indianization of the higher administrative services.
- d. Freedom of speech and press for the defense of their civil rights.

The moderate Leaders, thus tried to create the national consciousness and raise the public opinion against the British imperialism. They created a common platform for the national struggle.

18. Which of the Act Introduced Dyarchy in the provinces?

- a) Government of India Act 1909
- b) Government of India Act 1919
- c) Indian Council Act 1861
- d) Indian Council Act 1862.

Ans B

19. Which of the following transferred power from the English East India Company to the british Crown?

- a) The Better Government Act of 1858
- b) Government of Indian Act 1919
- c) Indian Council Act 1861
- d) Government of India Act 1935

Ans A

20. How many articles are in Constitution of India now?

- a) 440
- b) 441
- c) 442
- d) 443

Ans C

[Constitution of India now consists of 442 Articles divided into 22 parts and 12 Schedules]

21. Which of the Plan provided for the Constitutional Assembly of India?

- a) Cripps Plan
- b) August Offer
- c) Wavell Plan
- d) Cabinet Mission Plan

Ans D

22. Pitt India act was passed

- a) 1784
- b) 1575
- c) 1857
- d) 1758

Ans A

The east India Company Act 1784 , also know as Pitts India Act, was an act of the parliament of great Britain intended to address the shortcoming of the regulating Act of 1773 by bringing the East India Company's rule in India under the control of the british Government. Pitts India Act provided for the appointment of a board of control, and Provided for the government of British India by the company and the crown with the government holding the ultimate authority.

23. British educational policy was introduced in India by

- a) Robert Clive
- b) Charles Metcalfe
- c) George Cornewalewis
- d) Lord Macaulay

Ans D

Macaulayism is the conscious policy of liquidating indigenous culture through the planned substitution of the alien culture of a colonizing power via the education system. The term is derived from the name of british politician Thomas Babinton Macaulay (1800-1859), an Individual who was instrumental in the introduction for higher education in India)

24. Indian Councils act 1909 is also called as

- a) Minto Morely reforms
- b) Montague Chemsford reforms
- c) Cripps Proposal
- d) Mount batten plan

Ans A

25. "The Constitution should give Indian Domination Status", was a proposal in?

- a) Cabinet mission Plan
- b) Cripps Mission
- c) The mountbatten Plan
- d) Simon Commission

Ans B

In march 1942, sir Stafford cripps came with a draft declaration on the proposals of the british Government

26. The plan to transfer of power to the Indians and portion of the country was laid down in the?

- a) Cabinet Mission Plan
- b) Simon Commission
- c) Cripps Mission
- d) The mountbatten Plan

Ans D

27. Which Act was passed to consolidate the provisions of the preceding government of Indian Acts?

- a) Government of India Act 1858.
- b) Government of India Act 1861.
- c) Government of India Act 1892.
- d) Government of India Act 1915

Ans D

28. Which act separated Burma and Aden from India?

- a) Indian Councils Act 1909
- b) Government of India Act 1919
- c) Government of India Act 1935
- d) Indian Independence Act 1947.

Ans C

Aden was governed and organized as a province of the british India between 1939 and 1937, while physically located on the southern Arabian peninsula. Aden had been governed since September 1839 as the aden settlement, A non regulation province subordinated to the Bombay presidency and then as a Regulation province governed by a chief commissioner appointed by the governor general of India.

After British occupation Aden soon became an Important transit port and coaling station for trade between Europe, India and the far east. The commercial and strategic importance of aden increased considerably after the Red sea was surveyed and the Suez Canal opened in 1869. From then and until the 1960's the port of aden was to be one of the busiest ship bunkering, duty free shopping and trading posts in the world. later, british influence would extend progressively into vast hinterland and, by the early 1900's the british Government of India began to refer to the nine protectorates neighbouring Aden Settlement Consisting of siuth Arabian and the Aden Residency, as the Aden Protectorate, aden was to remain under british control until 1967.

Under the Government of India Act 1935 the territory was detached from british Indian and was re organized as a separate crown colony of the united kingdom, the colony of aden: this separation took effect on 1 april 1937.

29. Which Act was accepted as the Provisional constitution of India, After Independence?

- a) Indian Councils Act 1909
- b) Government of India act 1919
- c) Government of India Act 1935
- d) Indian Independence Act 1947

Ans C

30. Which was considered as the basis of Indian Independence Act of 1947?

- a) Mount batten Plan
- b) Cripps proposal
- c) Simon Commission report
- d) Nehru report

Ans A

After british occupation Aden soon became an Important transit port and coaling station for trade between Europe, India and the far east. The commercial and strategic importance of aden increased considerably after the Red sea was surveyed and the Suez Canal opened in 1869. From then and until the 1960's the port of aden was to be one of the busiest ship bunkering, duty free shopping and trading posts in the world. later, british influence would extend progressively into vast hinterland and, by the early 1900's the british Government of India began to refer to the nine protectorates neighbouring Aden Settlement Consisting of siuth Arabian and the Aden Residency, as the Aden Protectorate, aden was to remain under british control until 1967.

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- a) Indian Councils Act 1909
- b) Government of India act 1919
- c) Government of India Act 1935
- d) Indian Independence Act 1947

Ans C

32. Who was the first governor General of Independent of India?

- a) Sardar Vallabhai Patel
- b) Mount Batten
- c) C Rajagopal Achari
- d) Dr. Rajendra Prasad

Ans B

When India Act and Pakistan Attained Independence at midnight of 14-15 august 1947, mountbatten remained in new Delhi for 10 months, serving as India First governor general until June 1948.

33. Who among the following introduced local self government in India?

- a) Lord Mountbatten
- b) Lord Rippon
- c) Lord Cunning
- d) Lord Macaulay

Ans B

The real bench marking of the government policy on decentralization can however be attributed to lord Ripon who in his famous resolution on local self government on may 18 1882, recognized the twin considerations of local government:

- a) Administrative efficiency
- b) Political education.

The ripon resolution, which focused on towns, provided for local bodies consisting of a large majority of elected non official members and presided over by a non official chairperson

34. The Poona pact (1932) upheld

- a) Joint electorate
- b) Separate electorate
- c) Joint electorate with reserved seats for the scheduled castes
- d) Joint electorate with reserved seats for the caste Hindus

Ans C

The Poona Pact refers to an agreement between Dr. Babasaheb Ambedkar and Mahatma Gandhi signed on 24 September 1932 at Yerwada Central Jail in Pune. It was signed by Pt

Madan Mohan Malviya and Dr. B.R. Ambedkar and some Dalit leaders to break the fast unto death undertaken by gaandhi in yerwada jail to annul macdonald award giving separate electorate to Dalits for electing members of state legislative assemblies in British India.

35. What was the reason for the rejection of the Cripps plan by the congress?

- a) It granted domain status to the Indian Union
- b) It granted domain status to the provinces
- c) Indirectly conceded the demand for petition
- d) It was aimed

Ans C

36. Which of the following was the basis on which the government of India Act 1919 was made?

- a) The council Act of 1909
- b) Montague's Declaration 1917
- c) The victory of England in World War-I
- d) None of the above

Ans B

37. Members of the constituent Assembly were

- a) Directly elected by the people
- b) Nominated by the governor general
- c) Elected by the legislature of the various provinces
- d) Nominated by congress and the Muslim league

Ans A

38. The Constitution has the following number of Articles

- a) 315
- b) 333
- c) 365
- d) 395

Ans D

39. Setting a supreme court as Calcutta is a part of?

- a) Regulating Act of 1773
- b) Pitts India Act of 1784
- c) Character Act of 1793
- d) Character Act of 1893

Ans A

“Regulating Act of 1773”: Governance of the East India Company was put under British Parliamentary Control. Setting a Supreme Court in Calcutta. The Governor of Bengal was nominated as Governor General for Calcutta, Bombay and Madras.

40. Which Act is associated with “courts can interpret the rules and regulations”.

- a) Regulating Act of 1773
- b) Pitts India Act of 1784
- c) Charter Act of 1793
- d) Charter Act of 1893

Ans C

41. The Christian missionaries were allowed to spread their religion in India, under the Act?

- a) Pitts India Act of 1784
- b) Charter Act of 1813
- c) Charter Act of 1853
- d) Charter Act of 1853

Ans B

42. A Separate Governor for Bengal to be appointed under the Act?

- a) Pitts India Act of 1784
- b) Charter Act of 1793
- c) Charter Act of 1733
- d) Charter Act of 1753

Ans D

43. The first statute for the governance of India, under the direct rule of the British Government, was the
- a) Government of India Act 1858 b) Government of India Act 1861
c) Government of India Act 1892 d) Government of India Act 1915

Ans A

44. Which Act enable the Governor General to Associate respective of the Indian people with the work of Legislation by nominating them to his expanded council?
- a) Government of India Act 1858 b) Government of India Act 1861
c) Government of India Act 1892 d) Government of India Act 1915

Ans B

45. Under which Act, The Councils were having a power to discuss the budget and addressing Questions to the executive.
- a) Government of India Act 1858 b) Government of India Act 1861
c) Government of India Act 1892 d) Government of India Act 1915

Ans C

46. Indian Republic is not the product of-
- a) Political Revolution b) Discussion
c) Made by a body of eminent representatives of the people d) All of the Above

Ans A

Constitution of Indian Republic is not the product of a political revolution but of the research and deliberations of a body of eminent representatives of the people who sought to improve the existing system of administration.

47. For the first time British Parliament enacted which laws for the British Government to given in India-
- a) Government of India Act 1857 b) Government of India Act 1858
c) Government of India Act 1891 d) Government of India Act 1888

Ans B

The Government of India Act 1858 was passed on August 2, 1858. Its Provisions called for the Liquidation of the British East India Company (who had up to this point been ruling British India under the transference of its functions to the British Crown. Lord Palmerstone, then Prime minister of the United Kingdom, introduced a bill for the transfer of control of the government of India from the East India Company to the crown, referring to the grave defects in the existing system of the government of India.

48. The British Secretary of the State governed India Through which Institution-
- a) Executive Council b) Parliament
c) Governor assisted by an Executive Council
d) Governor General Appointed by an Executive Council

Ans D

49. Under the British Rule in India, Governor General was responsible to –
- a) Secretary of India b) Secretary of Britain
c) Secretary of State d) none of the above

Ans C

Until 158, the governor general was selected by the court of directors of the east India Company, to whom he was responsible. Thereafter, he was appointed by the sovereign on the advice of the British government the secretary of state for India, a member of the UK cabinet, was responsible for the instructing him on the exercise of his powers. After 1974, the sovereign continued to appoint the governor general but did so on the advice of the Indian government.

Governors general served at the pleasure of the sovereign, though the practice was to have them serve five year terms. Governors general could have their commission rescinded and if one were removed or left a provisional governor general was sometimes appointed until a new holder of the office could be chosen Provisional governors general were often chosen from among the provisional governors)

50. During the British rule which community got separate representation from which Act-
- a) Christian Community and Indian Council Act 1909
 - b) Buddhist Community and Indian Council Act 1907
 - c) Muslim Community and Indian Council Act 1909
 - d) All the Above

Ans

C

Muslims had expressed serious concern that a first past the post electoral system, like that of Britain, would leave them permanently subject to the Hindu majority rule. The Act of 1909 stipulated, as demanded by the muslim leadership

- That Indian Muslims be allotted reserved seats in the Municipal and District Boards, in the Provincial Councils and in the imperial Legislature
- That the number of reserved seats be in excess of their relative population (25 percent of the Indian population) and
- That only Muslims should vote for candidates for the Muslim seats (separate electorates)
- The Act amended the Indian Councils Acts of 1861 and 1892 and the right of the separate electorate was given to the Muslims

51. During the British period, under Which Act election was introduced in India-
- a) Indian Council Act 1913
 - b) Indian Council Act 1909
 - c) Indian Council Act 1906
 - d) Indian Council Act 190

Ans

B

It effectively allowed the election of Indians to the various legislative councils. The majorities of the councils remained British Government appointments moreover, the electorate was limited to specific classes of Indian nationals.

The Introduction of the electoral principle laid the groundwork for a parliamentary system even though this was contrary to the in the of money

52. Under the Government of India Act 1935, the Indian Federation worked through which kind of list---
- a) Federal List
 - b) Provincial List
 - c) Concurrent List
 - d) All the above

Ans

D

53. In the Government of India Act 1835, Federal List contained which kind of subjects—
- a) External Affairs
 - b) Currency and Coinage
 - c) Naval, Military and Force, Census
 - d) All the above

Ans

D

54. Till 1920, who presided over the Legislative Council of India—
a) Speaker b) Deputy Speaker c) Governor d) Governor General
Ans D
55. Who was the first President of Central Legislative Assembly before India was Independent ---
a) Sir Frederick Whyte b) Sir C.H. Seetalbad
c) Sardar Patel d) Sir Mohammad Yakub
Ans A
56. Who was the Speaker of the Constituent Assembly—
a) Sir Abdul Rahim b) G.V. Mavalankar
c) M.A. Ayyangar d) Sir Ibrahim Rahim Toola
Ans B
57. Under which Government of India Act, Federation and Provincial Autonomy were introduced in India—
a) Government of India Act 1935 b) Government of India Act 1930
c) Government of India Act 1940 d) Government of India Act 1936
Ans A
58. In the Government of India Act 1935, Provincial list included which kind of subjects—
a) Police b) Provincial Public Service
c) Education d) All the Above
Ans D
59. In the Government of India Act 1935, which subjects are included in the concurrent list---
a) Criminal Law and Procedure, Civil Procedure b) Marriage
c) Divorce, Arbitration d) All the above
Ans D
60. Under the Government of India Act 1935, who had the power to proclaim emergency—
a) Governor General b) General of India
c) Governor of the State d) None of the above
Ans A
61. In the Government of India Act 1935, who was authorized to make a law on the Provincial subject—
a) Governor b) Governor General c) Federal Legislature d) None of the above
Ans C

Chapter No- 2

Making Of The Constitution

1. The Cabinet Mission envisaged the establishment of a Constituent Assembly to frame a Constitution for the country. Members of the Constituent Assembly were elected by the Provincial Legislative Assemblies.
2. Each Province and each Indian State were allotted seats in proportion of its population, roughly in the ratio of one to a million. The seats so ascertained were distributed among the main communities in each Province. The main communities recognized were Sikh, Muslim and General

Important Committees of the Constituent Assembly and their Chairman

Sl.No.	Name of the Committee	Chairman
i.	Committee on the Rules of Procedure	Dr. Rajendra Prasad
ii.	Steering Committee	
iii.	Finance and Staff Committee	Pt. Jawahar Lal Nehru
iv.	Ad hoc Committee on the National Flag	
v.	Union Constitution Committee	
vi.	Union Powers Committee	
vii.	State Committee	
viii.	Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas	Sardar Vallabh Bhai Patel
ix.	Drafting Committee	Dr. B.R. Ambedkar
x.	Credential Committee	Alladi Krishnaswami Ayyar
xi.	House Committee	B.Pattabhi Sitaramayya
xii.	Order of Business Committee	K. M. Munshi
xiii.	Committee on the Functions of the Constituent Assembly	G. V. Mavalankar
xiv.	Minorities Sub-Committee	H. C. Mookerjee
xv.	Fundamental Rights Sub-Committee	J. B. Kripalani
xvi.	North-East Frontier Tribal Areas and Assam excluded & Partially Excluded Areas Sub-Committee	Gopinath Bardoloi
xvii.	Excluded and Partially Excluded Areas (other than those in Assam) Sub-Committee	A.V. Thakkar

3. The total number of members of the Constituent Assembly was 385, of whom 93 were representatives from the Indian States and 292 from the Provinces (British India).
4. After the partition of India number of members of the Constituent Assembly came to 299, of whom 284 were actually present on the 26th November, 1949 and signed on the finally approved Constitution of India. The Constituent Assembly, which had been elected for undivided India, held its first meeting on December 9, 1946, and reassembled on August 14, 1947, as the sovereign Constituent Assembly for the dominion of India.
5. It took two years, eleven months and eighteen days for the Constituent Assembly to finalise the Constitution.
6. Objective Resolution was moved in the first session of the Constituent Assembly (on 13, December, 1946) by Pt. Jawahar Lal Nehru which was adopted after considerable deliberation and debate in the Assembly on 22 January, 1947. The following objectives were embodied in the resolution:
 - i. To foster unity of the Nation and to ensure its economic and political security, to have a written Constitution, and to proclaim India as a Sovereign Democratic Republic.

- ii. To have a federal form of Government with the distribution of powers between the centre and states.
 - iii. To guarantee and secure justice, equality, freedom of thought, expression, belief, faith, worship, vocation, association and action to all the people of India.
 - iv. To provide adequate safeguards for minorities, backward and tribal areas and depressed and to the backward classes.
 - v. To maintain the integrity of the territory of the republic and its sovereign rights on land, sea and air according to justice and the law of civilized nations.
 - vi. To attain rightful and honoured place in the world and make its full and willing contribution to the promotion of the world peace and the welfare of mankind.
7. The principles of the Constitution were outlined by various committees of the Assembly, and there was a general discussion on the reports of these Committees. The Assembly appointed the Drafting Committee with Dr. B. R. Ambedkar as the Chairman on August 29, 1947.
 8. The Drafting Committee, headed by Dr. B.R. Ambedkar, submitted a Draft constitution of India to the President of the assembly on 21 February, 1948.
 9. The members of Drafting Committee were N. Gopalaswamy Ayyangar, Alladi Krishnaswamy Ayyar, K. M. Munshi, Mohd. Saadullah, B. L. Mitter (later replaced by N.Madhava Rao), Dr. D. P. Khaitan (replaced on death by T.T. Krishnamachari).
 10. The third and final reading of the draft was completed on November 26, 1949. On this date, the signature of the President of the Assembly was appended to it and the Constitution was declared as passed.
 11. The provisions relating to citizenship, elections and provisional Parliament etc were implemented with immediate effect, that is, from the 26th November 1949. The rest of the provisions of the constitution came into force on January 26, 1950 and this date is referred to in the Constitution as the date of its commencement.

Different Sources of the Indian Constitution

1. Although the skeleton of the constitution was derived from the Government of India Act 1935, many provisions were imported from other constitutions of the world. Some of them are listed below along with the Government of India Act, 1935:
2. Government of India Act, 1935: This Act formed the basis or 'blueprint' of the constitution of India with the features of Federal system, office of Governor, emergency powers etc. Besides, the Constitution of India has borrowed from the-
3. Constitution of Britain: Law making procedures, Rule of law, Single citizenship, Bi-cameral Parliamentary system, office of CAG.
4. Constitution of USA: Independence of judiciary, judicial review, fundamental rights, removal of Supreme Court and High Court judges, Preamble and functions of President and Vice-president.
5. Constitution of Canada: Federation with strong Centre, to provide residuary powers to the Centre, Supreme Court's a advisory jurisdiction.
6. Constitution of Ireland: Directive Principles of State policy, method of presidential elections, and the nomination of members to Rajya Sabha by the President.
7. Weimar Constitution of Germany: Provisions concerning the suspension of fundamental rights during emergency.
8. Constitution of Australia: Idea of the Concurrent List, Trade and Commerce provisions.
9. Constitution of South Africa: Amendment with 2/3rd majority in Parliament and election of the Members of Rajya Sabha on the basis of proportional representation.
10. Constitution of France: Republican System, Principles of Liberty, Equality and Fraternity.
11. Constitution of former USSR: Fundamental Duties, Ideals of justice in Preamble.

MCQ Questions with Explanations

1. The Constituent Assembly of India comprised of:
- a) 292 members from British provinces, 4 from Chief Commissionaires and 93 from Princely States
 - b) 294 members from British provinces, 4 from Chief Commissionaires and 91 from princely States
 - c) 291 members from British provinces, 3 from Chief Commissionaires and 95 from princely States
 - d) 292 members from British provinces, 5 from Chief Commissionaires and 92 from princely States.

Ans

A

The constituent Assembly took almost three years (two years, eleven months and seventeen days to be precise) to complete its historic task of drafting the constitution for Independent India. During this period, it held eleven sessions covering a total of 165 days. Of these, 114 days were spent on the consideration of the Draft Constitution.

As to its composition, members were chosen by indirect election by the members of the Provincial Legislative Assemblies, according to the Scheme recommended by the Cabinet Mission. The arrangement was:

(i) 292 members were elected through the Provincial Legislative Assemblies; (ii) 93 members represented the Indian princely States; and (iii) 4 members represented the chief Commissioners' Provinces. The total membership of the Assembly thus was to be 389. However, as a result of the partition under the Mountbatten Plan of 3 June, 1947, a separate Constituent Assembly was set up for Pakistan and representatives of some Provinces ceased to be members of the Assembly. As a result, the membership of the Assembly was reduced to 299.)

2. Who was the Chairman of the inaugural session of constituent assembly?

- a) Dr. B.R.Ambedkar
- b) Dr. Rajendra Prasad
- c) Dr. Sacchidanand
- d) Sardar Patel

Ans

C

(Dr. Sachchidananda Sinha (November 10, 1871 – March 6, 1950) was a member of the Imperial 'Legislative Council from 1910 to 1920 and the Indian Legislative Assembly. He was Deputy President of the Assembly in 1921. He also held the office of the President in the Bihar and Orissa Legislative Council. He was appointed Executive Councilors and Finance Member of the Government of Bihar and Orissa, and, thus, was the first Indian who was ever appointed as a Finance Member of a Province. Later, he also was a member of the Bihar Legislative Assembly. In 1946, he was made the Interim President of the Constituent Assembly of India.)

3. Match List – I with List – II and select the correct answer from the codes given below.

List – I

List – II

(Features (Sources) of Indian Constitution)

- | | |
|--|---------------|
| 1. Judicial British Review, Fundamental Rights | i. British |
| 2. Single Citizenship | ii. Irish |
| 3. Nomination of Members to Rajya Sabha | iii. Canadian |
| 4. Residuary Powers | iv. American |

Codes:	1	2	3	4		1	2	3	4
a)	iv	i	ii	iii	c)	i	iii	iv	i
b)	iii	ii	i	iv	d)	i	iv	iii	ii

Ans

A

(British Parliamentary government, Rule of Law, Legislative procedure, Single citizenship, cabinet system, prerogative writs.

US: Fundamental Rights, Independence of Judiciary, Judicial Review, Impeachment of the President, Removal of Supreme Court and High Court judges and post of Vice-President.

Irish: Directive Principles of State Policy, nomination of members to Rajya Sabha and method of election of President, Federation with a strong centre, Vesting of residuary powers in the Centre, appointment of State Governors by the Centre and advisory jurisdiction of the Supreme Court.

Canadian: Federation with a strong centre, residuary powers with the centre, appointment of state governors by the centre and advisory jurisdiction of the Supreme Court.)

4. Given below are two statements, one labelled as Assertion (A) and the other labelled as Reason (R):

Assertion (A): A federal arrangement aims at reconciling freedom with unity and diversity of political cultures and identities with effective collective action.

Reason (R): India opted for a pluralistic model of nation building.

- a) Both (A) and (R) are correct and (R) is the correct explanation of (A).
- b) Both (A) and (R) are correct, but (R) is not the correct explanation of (A).
- c) (A) is correct, but (R) is not correct.
- d) (R) is correct, but (A) is not correct.

Ans

A

(Federalism is the theory of advocacy of federal principles for dividing powers between member units and common institutions. Unlike in a unitary state, sovereignty in federal political orders is non-centralized, often constitutionally, between at least two levels so that units at each level have final authority and can be self-governing in some issue area. Citizens thus have political obligations to, or have their rights secured by, two authorities. The division of power between the member unit and center may vary, typically the center has powers regarding defense and foreign policy, but member units may also have international roles. The decision-making bodies of member units may also participate in central decision-making bodies.)

5. Given below are two statements, one labelled as Assertion (A) and the other labelled as Reason (R):

Assertion (A): Bulk of the provisions of the constitution of India were adopted from the Government of India Act of 1935.

Reason (R): The congress party passed a resolution adopting the government of India Act of 1935 as the basis of the constitution.

- a) Both (A) and (R) are true and (R) is the correct explanation of (A).
- b) Both (A) and (R) is not the correct explanation of (A).
- c) (A) is true but (R) is false.
- d) (R) is true, but (A) is false.

Ans

C

(The provisions of the Government of India Act 1935, though never implemented fully, had a great impact on the Constitution of India. Many key features of the constitution are directly taken from this Act. It is really a lengthy and detailed document having 321 sections and 10 schedules. The majority of the today's constitution has drawn from this.)

6. Who made the following statement in the Constituent Assembly in connection with the Amendment Procedure of the Constitution of India?
- ‘That while we want this Constitution to be solid and as permanent as a structure we can make it, nevertheless there is no permanence in Constitutions. ... If you make anything rigid and permanent, you stop the Nations’s growth, the growth of a living, vital organic people’.
- a) Dr.B.R. Ambedkar b) Jawaharlal Nehru
c) Sardar Vallabhbhai Patel d) Dr. Rajendra Prasad.

Ans B

- 7 Which of the following Committees of the Constituent Assembly was chaired by Jawarharlal Nehru?
- a) Steering Committee
b) Union Powers Committee
c) Committee on Fundamental Rights and Minorities
d) Provincial Constitution Committee

Ans B

(On the 14 August, 1947 meeting of the Assembly, a proposal for forming various committees was presented. Such committees included a Committees included a Committee on Fundamental Rights, the Union Powers Committee and Union Constitution Committee.)

8. Which of the following are the common features of India and U.K?
- (i) Supremacy of Parliament (ii) a written Constitution (iii) Bicameralism
(iv) Prime Minister is the leader of the largest party on the floor of the House.
- a) (i) and (ii) are correct b) (ii) and (iii) are correct
c) (iii) and (iv) are correct d) (i) and (iv) are correct.

Ans C

9. Who among the following was not a member of the Indian Constituent Assembly?
- a) Sir firoz Khan Nur b) Sir Zafarullah Khan
- c) Dr. Jay Shankar d) Jai Prakash Narayan

Ans D

(The Constitution of India was drafted by the Constituent Assembly, and it was implemented under the Cabinet Mission Plan on 16 May 1946. The members of the Constituent Assembly were elected by the provincial assemblies by a single, transferable-vote system of proportional representation. The total membership of the Constituent Assembly was 389: 292 were representatives of the states, 93 represented the princely states and four were from the chief commissioner provinces of Delhi, Ajmer-Mewar, Coorg and British Baluchistan.)

10. The Drafting committee member of the Constituent Assembly said that Governor nominated by the President will be the agent of the Central Government. Identify
- a) T.T. Krishnamachari b) B.R. Ambedkar
c) Sardar Vallabhbhai Patel d) Rajendra Prasad

Ans A

(T.T. Krishnamachari (1899-1974) was a member of drafting committees, an entrepreneur and congress leader.)

11. Who among the following had favoured Panchayati Raj System by giving the following statement in the Indian constituent Assembly?
“...in the interest of democracy, the villages may be trained in the art of self-government... We must be able to reform the villages and introduce democratic principles of government there...”

a) Ananthasayanam Ayyangar b) Dr.B.R.Ambedkar
c) B.N. Rao d) Jawaharlal Nehru

Ans A

(Madabhushi Ananthasayanam Ayyangar (4 February 1891-19 March 1978) Was the first Deputy Speaker and then Speaker of Lok Sabha. He was born in Thiruchanoor, Chittoor district of Madras Presidency. He was teacher in Mathematics and later became a lawyer between 1915-1950. Inspired by Mahatma Gandhi he participated actively in Indian Freedom Struggle and was jailed twice.

He was elected as member of Central Legislative Assembly in 1934. He was elected to the first Lok Sabha from Tirupathi and to the Second Lok Sabha from Chittor Constituencies in 1952 and 1956 respectively.

He was elected in 1948 as Deputy Speaker of Lok Sabha with Ganesh Vashdev Mavalankar as the Speaker. Later in 1956 he was elected as Speaker of Lok Sabha. He worked as Governor of Bihar between 1962 and 1967.)

12. Which congress President during British Raj initiated the idea of a Planning Commission?

a) Jawaharlal Nehru b) Mahatma Gandhi
c) Maulana Azad d) Subhas Chandra Bose

Ans D

(Congress met at Vitthal Nagar Haripura from 19th 21st February 1938. President of this Congress was Subhash Chandra Bose. As per Haripura resolution, Britain was given 6 months ultimatum to the British, failing to which there will be a revolt. Subhash Chandra Bose organized National Planning Committee. National Planning Committee was the Forerunner of India's Planning Commission. The idea was to draw a comprehensive plan for economic development of India on the basis of Industrialization.)

13. Which one of the following Acts/Reports created the Federal Court in India?

a) Government of India Act, 1909 b) Government of India Act, 1919
c) Montague-Chelmsford Report d) Government of India Act, 1935.

Ans D

(The Federal Court of India was established in India in 1937 under the provisions of the Government of India Act 1935, with original, appellate and advisory jurisdiction. It functioned until 1950, when the Supreme Court of India was established. The seat of the Federal Court was at Delhi. There was a right of appeal to the Judicial in London from the Federal Court of India.

The Federal Court had exclusive original jurisdiction in any dispute between the Central Government and the Provinces. Initially, it was empowered to hear appeals from the High Courts of the provinces in the cases which involved the interpretation of any Section of the Government of India Act, 1935. From 5 January 1948 it was also empowered to hear appeals in those cases, which did not involve any interpretation of the Government of India Act, 1935.)

14. "We are under the constitution but the Constitution but the Constitution is what the judges say it is". Which of the following countries can this be applicable to?

1. India 2. America 3. Switzerland 4. Australia

Select the correct answer from the codes given below:

a) 1 and 3 b) 1 and 2 c) 2 and 3 d) 3 and 4

Ans B

15. The Constituent Assembly was setup under the

a) Cripp Mission b) Cabinet Mission Plan c) Wavell Plan d) Nehru Report

Ans B

(The Cabinet Mission of 1946 to India aimed to discuss and plan for the transfer of power from the British Government to Indian leadership, providing India with independence. Formulated at the initiative of Clement Attlee, the Prime Minister of the United Kingdom, the mission consisted of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A.V. Alexander, the First Lord of the Admiralty. Lord Wavell, the Viceroy of India, did not participate.

The Cabinet Mission's purpose:

1. Hold preparatory discussions with elected representatives of British India and the Indian states in order to secure agreement as to the method of framing the constitution.
2. Set up a constitution body.
3. Set up an Executive Council with the support of the main Indian parties.

For setting up a constitution-making body, each province was to be assigned a total number of seats proportionate to its population, roughly in the ratio of one to a million. Seats allotted to each Province Shall be divided between the various communities in proportion to their population in the province. Only three classes of Electorates were recognized—General (all others than Muslims and Sikhs), Muslims and Sikhs (Only in the Punjab). According to this principle, the Constituent Assembly was to consist of 292 members from the British Indian Provinces and 4 from Chief Commissioners Provinces. The Indian States were to be represented by 93 members in maximum. The representatives of British India were distributed among the various Provinces and communities as under:

- i. Thus the total strength of the Constituent Assembly was to be $187+35+70= 292$ members of British Provinces + 93 representatives of the States + 4 representatives of Chief Commissioners Provinces—one each from Delhi, Ajmer-Marwara, Coorg and British Baluchistan = 389.
- ii. The representatives of British Indian Provinces were to be elected by each Provincial Legislative Assembly Community wise, through proportional representation by a single transferable vote. As regards the representatives of the States, the exact method of their selection was to be settled by consultation. At the preliminary stage, the States were to be represented by a Negotiating Committee
- iii. The Constituent Assembly, at its first meeting, was to elect the Chairman and other office bearers, the Advisory Committee on the rights of citizens, minorities and the Tribal and Excluded Areas and divide the provincial representatives into three sections A,B,C as referred above,
- iv. These sections were then to settle the provincial constitutions for the provinces included in each section and also to decide whether a Group Constitution should be set up for those provinces and if so with what provincial subjects, the Groups should deal,
- v. As soon as the new constitutional arrangement came into operation, each province was to be at liberty to come out of the Group, assigned to it. Such a decision was however

to be taken by the new legislature of the province after the first General Elections under the new Constitution,

- vi. The representatives of the Sections and the Indian States were then to re-assemble for framing the Union Constitution. In the Union Constituent Assembly, resolutions regarding the distribution of subjects between the Centre and the Provinces or raising any major communal issue were to be passed by a majority of representatives present and voting, of each of the two major communities.

16. Who said the following? 'India's Constitution was born more in fear and trepidation than in hope and inspiration?

a) Paul Brass b) Myron Weiner c) K.C. Wheare d) Jennings

Ans A

17. Who of the following constituted an oligarchy within the Constituent Assembly of India?

a) Nehru, Patel, Prasad, Azad b) Ambedkar, B.N. Rao, K.M. Munshi, Nehru
c) Patel, Azad, Munshi, Ambedkar d) Krishnamachari, Pannikar, Nehru, Patel

Ans A

(Nehru, Patel, Prasad and Azad constituted "an oligarchy within the Assembly". In-fact, these four leaders had rich practical experience, marked personal popularity, massive intellect and unmatched political power which enabled them to wield overwhelming influence on the Constituent assembly's deliberations. They enjoyed God like status. They were loved but not feared. Hence the future of the Government as well as the nicety of the constitution rested in those hands that were utterly incapable of doing any wrong to the peoples.

Although the oligarchy of four was irresistible yet the Assembly discussed thoroughly all issues, in well attended debates. None posed to be 'sir oracle' and claimed "when he speaks, nobody should open his lips". The procedure was thoroughly democratic.)

18. The Constitution of India, was drafted and enacted in which language—

a) Hindi b) English c) Tamil d) Telugu

Ans B

19. In which language script, Constitution of India was signed by the members of the Constituent Assembly on 21st Jan. 1950—

a) English b) Hindi c) a and b d) None of the above

Ans C

20. What was the total number of members in the Drafting Committee of Constitution?

a) 5 b) 6 c) 7 d) 8

Ans C

(On 29 August 1947, the Drafting Committee was appointed, with Dr.B.R. Ambedkar as the Chairman along with six other members assisted by a constitutional advisor. These members were Pandit Govind Ballabh Pant, Kanaiyalal Maneklal Munshi (K.M. Munshi, Ex-Home Minister, Bombay), Alladi Krishnaswamy Iyer (Ex-Advocate General, Madras State), N.Gopalaswami Ayengar (Ex-Prime Minister, J&K and later member of Nehru Cabinet), B.L. Mitter (Ex-Advocate General, India), Md. Saadullah (Ex-Chief Minister of Assam, Muslim League member) and D.P. Khaitan (Scion of Khaitan Business family and a renowned lawyer). The Constitutional advisor was Sir Benegal Narsing Rau (Who became First Indian Judge in International Court of Justice, 1950-54). Later B.L. Mitter resigned and was replaced by

Madhav Rao (Legal Advisor of Maharaja of Vadodara). Owing to death of D.P.Khaitan, T.T. Krishnamachari was chosen to be included in the drafting committee. A Draft Constitution was prepared by the committee and submitted to the Assembly on 4 November 1947. Draft constitution was debated and over 2000 amendments were move over a period of two years. Finally on 26 November 1949, the process was completed and Constituent assembly adopted the constitution. 284 members signed the document and the process of constitution making was complete. This day is celebrated as National Law Day or Constitution Day.)

21. Who was India's Constitutional Advisor?

- a) B.L. Mitter b) K.M. Munshi c) B.N. Rao d) A.K.IYER

Ans

C

(B.N. Rao was also the first Indian judge at the International Court of Justice.)

22. Which Indian artist decorated the handwritten Copy of the Constitution?

- a) MihirSen b) S.N. Banerji
c) Mukesh Bandhopadhyaya d) Nandalal Bose

Ans

D

(Nandalal Bose (1882-1966) was one of the pioneers of modern Indian art and a key figure of Contextual Modernism.

A pupil of Abanindranath Tagore, Bose was known for his "Indian style" of painting. He was influenced by the Tagore family and the murals of Ajanta; his classic works include paintings of scenes from Indian mythologies, women, and village life.

He was also famously asked by Jawaharlal Nehru to sketch the emblems for the Government of India's awards, including the Bharat Ratna and the Padma Shri. (9) Along with his students, Nandala Bose took up the historic task of beautifying /decorating the original manuscript of the Constitution of India. (10))

23. Who was the first elected chairman of the Constituent Assembly?

- a) B.R.Ambedkar b) B.N.Rao
c) Dr.Rajendra Prasad d) Jawaharlal Nehru

Ans

C

(Dr.Sachchidananda Sinha was the first elected chairman (temporary) of Constituent Assembly. Later Dr.Rajendra Prasad was elected as the president as its vice-president was Harendra Coomar Mookerjee, a Christian from Bengal and former vice-chancellor of Calcutta University.)

24. The Indian Constituent Assembly, after the partition, had the following number

- a) 298 b) 299 c) 300 d) 301

Ans

B

(The members of the Constituent Assembly were elected by the provincial assemblies by a single, transferable vote system of proportional representation. The total membership of the Constituent Assembly was 389: 292 were representatives of the states and four were from the chief commissioner provinces of Delhi, Ajmer-Mewar, Coorg and British Baluchistan.

The Constituent Assembly (elected for an undivided India) met for the first time on 9 December 1946, reassembling on 14 August 1947 as a sovereign body and successor to the British parliament's authority in India. As a result of the partition, under the Mountbatten plan a separate constituent assembly was established in Pakistan on 3 June 1947. The representatives of the areas incorporated into Pakistan ceased to be members of the Constituent Assembly of India. New elections were held for West Punjab and East Bengal; the

membership of the Constituent Assembly was 299 after the reorganization, and it met on 31 December 1947.)

25. Elections to the Constituent Assembly was held in the year,
a) 1945 b) 1942 c) 1941 d) 1946

Ans: D

(The Constituent Assembly was established while India was under British rule, following negotiations between Indian leaders and members of the 1946 Cabinet Mission to India from the United Kingdom. Provincial assembly elections were held early in 1946. Constituent Assembly members were elected indirectly by members of the newly elected provincial assemblies, and initially included representatives for those provinces which formed part of Pakistan (Some of which are now in Bangladesh). The Constituent Assembly had 299 representatives, including nine women).

26. The objective resolution was moved in the Constituent Assembly on
a) December 13, 1946 b) January 26, 1950
c) November 26, 1946 d) November 26, 1950

Ans: A

(On 13 December, 1946, Pandit Jawaharlal Nehru moved the objectives Resolution:

1. This Constituent Assembly declare its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;
2. WHEREIN: The territories that now comprise British India, the territories that now form the Indian States, and such other parts for India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
3. WHEREIN: The said territories whether with their present boundaries or with such others as may be determined by the Constituent Assembly and there after according to the law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting there from; and
4. WHEREIN all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and
5. WHEREIN shall be guaranteed and secured to all the people of India justice, social economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and
6. WHEREIN adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
7. WHEREBY shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilized nations; and 8. this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.
8. This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947).

27. Who among the following was the Chairman of the State Committee of the Constituent Assembly?
a) B.R.Ambedkar b) B.N.Rao c) Dr.Rajendra Prasad d) Jawaharlal Nehru

Ans: D

- a) 397 Articles and 9 Schedules b) 395 Articles and 4 Schedules
c) 396 Articles and 7 Schedules d) 395 Articles and 8 Schedules
Ans D
33. On which date the 'Objective resolution' was moved in the Constituent assembly?
a) December 13, 1946 b) December 09, 1946
c) December 16, 1946 d) December 19, 1946
Ans A
34. The idea of Rule of Law has been taken by the Indian Constitution from
a) USA b) France c) South Africa d) Britain
Ans D
35. Constitution of India was adopted by constituent assembly on?
a) 25 October, 1948 b) 25 October, 1949
c) 26 November, 1948 d) 26 November, 1949
Ans D
36. How many readings were held on the Constitution in the Constituent Assembly---
a) First Reading b) Third Reading c) Second Reading d) None of the above
Ans B
37. How many Princely States existed at the time when the Constituent Assembly was making the Constitution---
a) 600 b) 800 c) 900 d) 950
Ans A
38. Whom the Indian Constituent Assembly represented---
a) Fully representative of the Hindus
b) Fully representative of the State in India
c) Fully representative of the Provinces in India
d) Fully representative of the States and Provinces in India
Ans D
39. Who supported the views of the Constituent Assembly for making the Indian Constitution---
a) Sardar Padal b) Gandhiji c) Jinnah d) None of the above
Ans B
40. Gandhiji wrote which article in the Harijan of 19th November 1939 to support the formation of Constituent Assembly for making the Constitution of India---
a) The need of Constitution b) Formation of Constituent Assembly
c) The only way d) The way
Ans C
41. When did Constituent Assembly adopt a national Flag---
a) 22nd Aug.1947 b) 22nd July 1947 c) 22nd Jan 1947 d) 22nd Oct 1947
Ans B

42. Who was the last British Governor General who addressed the Constituent Assembly—
a) Lord Attlee b) Lord Mount Batten c) Lord Bentick d) None of the above
Ans B
43. When did the Constituent Assembly passed a resolution for translation of the Constitution of India into Hindi and other many languages of India---
a) 17th Sep 1949 b) 17th Oct 1949 c) 17th Nov 1949 d) 17th Dec 1949
Ans A
44. What was the last session of the Constituent Assembly---
a) Eleventh Session b) Twelfth Session c) Sixteenth Session d) Seventh Session
Ans B
45. When was the last Twelfth session of the Constituent Assembly held—
a) 24th Jan 1950 b) 24th Feb 1950 c) 24th April 1950 d) 24th Dec 1950
Ans A
46. Which song was sang in the Constituent Assembly before its adjournment sine die—
a) Jana Gana Man b) Vande Matram c) a and b d) None of the above
Ans C
47. For how many years, months and days, did the Constituent Assembly work on the Constitution of India—
a) 2 years, 11 months and 19 Days b) 3 Years, 12 months and 16 Days
c) 4 Years, 18 months and 6 Days d) None of the above
Ans A
48. Constitution of India came into effect from?
a) 15 January 1950 b) 26 January 1950 c) 15 August 1950 d) 15 January 1950
Ans B
49. After independence, who decided to determine the Future Constitution of India—
a) Jawahar Lal Nehru b) Sardar Ballabh Bhaj Patel
c) Constituent Assembly d) None of the above
Ans C
50. Through which offer, the British Government authoritatively supported a Constituent Assembly for making the Indian Constitution
a) August offer b) Viceroy offer
c) Sir Strafford Cripps offer d) None of the above
Ans A
51. How much time it took for Constituent Assembly to finalize the Constitution?
a) 2 years 11 Months 18 Days b) 2 years 9 Months 8 days
c) 2 years 7 Months 18 Days d) 2 Years 5 Months 20 Days
Ans A
52. Who was the Chairman of Drafting Committee?
a) N. Gopalaswamy b) K.M.Munshi c) N. Madhava Rao d) Dr.B.R. Ambedkar
Ans D

53. The Indian Constitution Consists of
a) Articles 298 b) Articles 399 c) Articles 388 d) Articles 395
Ans D

54. How many number of sessions were held in the Constituent Assembly---
a) Twenty Sessions b) Twelves Sessions
c) Twenty-five Sessions d) Twenty –eighty sessions
Ans B

55. How many total members were elected in the Constituent Assembly—
a) 296 b) 293 c) 291 d) 292
Ans D

56. In the Constituent Assembly who was the Head of the Union Constitution Committee—
a) Jawaharlal Nehru b) Sardar Patel
c) Subhash Buse d) None of the Above
Ans A

57. In the Constituent Assembly which words were associated with the Parliament—
a) Parliament of the Legislature b) Parliament of the Union
c) Parliament of the Federation d) All the above
Ans C

Chapter No- 3

Salient Features And Preamble To The Constitution

The Preamble

1. The Objective Resolution move by J.L.Nehru ultimately became the Preamble of the Constitutions.
2. The Objective Resolution was passed by the Constituent Assembly on the 22nd January, 1947.
3. The final paragraph of the Preamble puts on record the exact date when the Constitution was adopted.
4. The preamble makes clear that the source of the Constitution is the people of India.
5. The preamble helps where the language of the Constitution is vague.
6. The words 'Socialist,' 'Secular' and 'Unity and integrity' of the nation were added by the 42nd Amendment Act of 1976.
7. The Supreme Court expressed the view that the 'Preamble is the key to its makers'.
8. Justice Madhokar said in Sajjan Singh Vs. Rajasthan State case that the preamble is the sum and substance of the Constitution.
9. In the Golaknath Vs. Punjab State case, Justice Hidaytullah remarked that the preamble is the synopsis of those principles on which the government has to work upon.
10. The objective of the constitution is to secure Justice, Liberty, Equality and Fraternity for every citizen.

Preamble

It provides a key to the intention of the framers of the Constitution. The Preamble to the Constitution of India reads: "WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, citizens, JUSTICE, social economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and opportunity; and to promote among them all, FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation. IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, we do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

Salient Features of the Constitution

1. The constitution of India is the second lengthiest and the most comprehensive of all the written Constitutions of the World.
2. The Constitution establishes a Parliamentary form of Government both at the Centre and the States.
3. The Constitution of India has features of both rigidity and flexibility.
4. The Constitution declares certain fundamental rights of the individual.
5. The Constitution of India has made provision to provide an independent and impartial judiciary.
6. The Constitution of India has conferred on the Judiciary the power of Judicial Review.
7. The system of universal adult suffrage has been adopted by the constitution.
8. The Constitution of India provides for the establishment of Secular State.
9. The Constitution of India has established single and uniform citizenship for the whole of India.
10. The Constitution of India has made some special provisions for Scheduled Castes and Tribes.
11. The Constitution of India has provided a single and unified Judiciary with the Supreme Court at its apex.

12. The Constitution of India has made provision for a federation with strong centralizing tendency.
13. The Constitution of India has provided certain Directive Principles of State Policy to secure a truly welfare state.

Facts Of Remember

1. The provisions of Independence of Judiciary and Judicial Review have been taken from the US Constitution.
2. The provisions of Parliamentary system with Ministerial responsibility has been taken from the UK Constitution.
3. Method of Election of the President has been taken from Irish Constitution.
4. The provision regarding nomination of members of the Rajya Sabha by the President has been taken from Irish Constitution.
5. The first sitting of the Union Parliament, following the first General Elections in 1951-1952 was held on 13 May, 1952.
6. The Legislature of the USA is known as the Congress.
7. The idea of concurrent list has been borrowed from Australia.
8. The first State in India to be formed on a linguistic basis was Andhra Pradesh.
9. The Constitution describes India as a Union of States.
10. The salaries of the Judges of the Supreme Court are drawn from the Consolidated Fund of India.

MCQ's with Explanations

1. What is the correct order in which the following terms are enshrined in the Preamble to the Constitution of India?
a) Equality b) Liberty c) Justice d) Fraternity
Select the correct answer from the codes given below:
a) a, b, c and d b) c, b, a and d c) b, a, c and d d) c, a, b and d

Ans

B

(These are the opening words of the preamble to the Indian Constitution)

“We, The PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, Social, economic and Political;

LIBERTY of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION).

2. Consider the following statements about a constitutional government. A Constitutional government is
 1. A form of limited government
 2. One where authority is derived from the constitution
 3. One where the constitution and the laws limit the exercise of power
 4. Where the head of the state enjoys nominal powers.

Select the correct answer from the codes given below:

- a) 1, 2 and 3 b) 2,3 and 4 c) 1,3 and 4 d) 1,2 and 4

Ans

A

(Most constitutions seek to regulate the relationship between institutions of the state, in a basic sense the relationship between the executive, legislature and the judiciary, but also the relationship of institutions within those branches. For example, executive branches can be divided into a head of government, government departments/ministries, executive agencies and a civil service/administration. Most constitutions also attempt to define the relationship between individuals and the state, and to establish the broad rights of individual citizens.)

3. Given below are two statements one labelled as Assertion a) and the other labelled as Reason (R):

Assertion a): Parliamentary form of government is the most acceptable system in the entire world today.

Reason (R): In the parliamentary system, ministers get their democratic legitimacy from the legislature and are accountable to it.

Code:

- a) Both (A) and (R) are true and (R) is the correct explanation of (A).
b) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
c) (A) is true, but (R) is false.
d) (A) is false, but (R) is true.

Ans

A

(A parliamentary system of government means that the executive branch of government has the direct or indirect support of the direct or indirect support of the parliament. This support is usually shown by a vote of confidence. The relationship between the executive and the legislature in a parliamentary system is called responsible government. The separation of powers between the executive and law making branches, is not as obvious as it is in a presidential system, so there are different ways of balancing powers between the three branches which govern the country (the executive (or ministers), the law makers and the judges). Parliamentary systems usually have a head of government and a head of state. The head of government is the prime minister, who has the real power. The head of state often is an elected (either popularly or through parliament) president or, in the case of a constitutional monarchy, hereditary).

4. Which one is not an element of the Secular State is India?

- a) Civil Equality b) Freedom of Religion
c) No religious education by the State d) Taxation on religious property

Ans

D

5. Give below are two statements, one labelled as Assertion a) and the other labelled as Reason (R).

Assertion a): The secular ideology of the Indian State appears to be paradox in view of the deeply religious orientation of the Indian society.

Reason (R): India's secularism was invented for integrating the multicultural plurality of the society into a common nation state as well as for containing potentialities of the imperial 'divide and rule' and Muslim Leagues' 'two - nation' theory in British India.

Codes:

- a) Both (A) and (R) are true and (R) is the correct explanation of (A).

- b) Both (A) and (R) are true but (R) is not the correct explanation of (A).
c) (A) is true but (R) is false
d) (R) is true but (A) is false.

Ans A

6. Who prefers to characterize the Indian federalism as “bar-gaining federalism”?

- a) A.K.Chanda b) Morris Jones c) K.C.Wheare d) D.D.Basu

Ans B

(In 1964 Morris Jones described the centre-state relation in India as a form of cooperative federalism. He however characterized it as bargaining federalism, Morris-Jones argued described the character of Indian federalism throughout it referred to a pattern of centre-state relations in which neither centre nor states can impose decisions on the others in which hard comp elative bargaining takes place in such institution as the planning Commission, the Finance Commission and the Zonal Councils. In these institutions bargaining occurs between the centre and the states and among, the several states for the allocation of resources and patronage and for the solution of such divisive problems as the rights of linguistic minorities in the linguistically recognized states).

7. The Preamble f the Constitution of India enshrines the ideals of liberty, equality and fraternity – ideals mainly inspired by the

- a) Russian Revolution b) Irish Revolution
c) French Revolution d) Cultural Revolution

Ans C

(Liberty, equality, fraternity is the national motto of France. It finds its origins in the French Revolution, it was then only one motto among others and was not institutionalized until the Third Republic at the end of the 19th century. Debates concerning the compatibility and order of the three terms began at the same time as the Revolution).

8. This question consists of two statements, one labelled as Assertion a) and the other labelled as Reason (R).

- a) Both (A) and (R) are true and (R) is the correct explanation of (A).
b) Both (A) and (R) is not the correct explanation of (A).
c) (A) is true, but (R) is false.
d) (A) is false, but (R) is true.

Assertion (A): The presidential system is successful only in the U.S.A.

Reason(R): The United States of America is the only nation with minor contradictions that ensures the success of the presidential system.

Ans B

(Presidential systems are numerous and diverse, but the following are generally true:

1. The executive can veto legislative acts and in turn, a supermajority of lawmakers may override the veto. The veto is generally derived from the British tradition of royal assent in which an act of parliament can only be enacted with the assent of the monarch.
2. The president has a fixed term of office. Elections are held at regular times and cannot be triggered by a vote of confidence or other parliamentary procedures. Although in some countries there is an exception, which provides for the removal of a president who is found to have broken a law.
3. The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. Cabinet

ministers or executive departmental chiefs are not members of the legislature. However, presidential systems often need legislative approval of executive nominations to the cabinet, judiciary, and various lower governmental posts. A president generally can direct members of the cabinet, military, or any officer or employee of the executive branch, but cannot direct or dismiss judges.

4. The president can often pardon or commute sentences of convicted criminals.
5. Countries that feature a presidential system of government are not exclusive users of the title of President. For example, a dictator, who may or may not have been popularly or legitimately elected may be and often is called a president. Likewise, leaders of one-party states are often called presidents. Most parliamentary republics have presidents, but this position is largely ceremonial; notable examples include Germany, India, Ireland, Israel and Italy. The title is also used in parliamentary republics with an executive presidency, and also in semi-presidential systems).

9. In which of the following forms of Government is the second chamber as indispensable part of legislature?

a) Presidential b) Parliamentary c) Unitary d) Federal

Ans D

10. Match List – I with List – II and select the correct answer from the codes given below the lists:

List-I

(Form of Government)

a) Parliamentary, Federal Republican

b) Presidential, Federal Republican

c) Parliamentary, Unitary, Monarchical

d) Parliamentary cum-Presidential, Unitary, Republican.

List-II

(Name of the Country)

i. The United Kingdom

ii. India

iii. France

iv. The United States of America

Code: a b c d

a) i ii iii iv

b) ii iii iv i

c) iii ii i iv

d) ii iv i iii

Ans D

11. The Indian Federal System differs from the American Federal System in respect of the following:

a) Representation of the States in the Upper House of the Federal Legislature.

b) Existence of a Written Constitution.

c) Vesting of Residuary Powers

d) Dual Citizenship

Select the correct answer from the codes given below:

a) 1 and 2

b) 3 and 4

c) 1,2 and 3

d) 4only

Ans B

(The government of India is based on a tiered system, in which the Constitution of India delineates the subjects on which each tier of government has executive powers. The Constitution originally provided for a two-tier system of government and the State governments. Later, a third tier was added in the form of Panchayats and Municipalities. In the current arrangement, The Seventh Schedule of the Indian Constitution delimits the subjects of each level of governmental jurisdiction, dividing them into three lists:

Union List includes subjects of national importance such as defence of the country, foreign affairs, banking, communications and currency. The Union Government alone can make laws relating to the subjects mentioned in the Union List.

State List contains subjects of State and local importance such as police, trade, commerce, agriculture and irrigation. The State Governments alone can make laws relating to the subjects mentioned in the State List.

Concurrent List includes subjects of common interest to both the Union Government as well as the State Governments, such as education, forest, trade unions, marriage, adoption and succession. Both the Union as well as the State Governments can make laws on the subjects mentioned in this list. If their laws conflict with each other, the law made by the Union Government will prevail.

A distinguishing aspect of Indian federalism is that unlike many other forms of federalism, it is asymmetric. Article 370 makes special provisions for the state of Jammu and Kashmir as per its Instrument of Accession. Article 371 makes special provisions for the states of Andhra Pradesh, Arunachal Pradesh, Assam, Goa, Mizoram, Manipur, Nagaland and Sikkim as per their accession or state-hood deals. Also one more aspect of Indian federalism is system of President's Rule in which the central government (Through its appointed Governor) takes control of State's administration for certain months when no party can form a government in the state or there is violent disturbance in the state.

Federalism in the United States is the evolving relationship between state governments and the federal government of the United states. American government has evolved from a system of dual federalism to one of associative federalism. The United states is composed of fifty self-governing states and several territories.

Because the states were pre-existing political entities, the U.S. constitution did not need to define or explain federalism in any one section but it often mentions the rights and responsibilities of state governments and state officials in relation to the federal government. The federal government has certain express powers (also called enumerated powers) which are powers spelled out in the Constitution, including the right to levy taxes, declare war, and regulate interstate and foreign commerce. In addition, the Necessary and Proper Clause gives the federal government the implied power to pass any law "necessary and proper" for the execution of its express powers. Other Powers-the reserved powers-are reserved to the people or the states. The power delegated to the federal government was significantly expanded by the Supreme Court decision in *McCulloch v. Maryland* (1819), amendments to the Constitution following the Civil War, and by some later amendments—as well as the overall claim of the Civil War, that the states were legally subject to the final dictates of the federal government.

The Federalist Party of the United States was opposed by the Democratic –Republicans, including powerful figures such as Thomas Jefferson. The Democratic-Republicans mainly believed that: the Legislature had too much power (mainly because of the Necessary and Proper Clause) and that they were unchecked; the Executive had too much power, and that there was no check on the executive; a dictator would arise; and that a bill of rights should be coupled with the constitution to prevent a dictator (then believed to eventually be the president) from exploiting or tyrannizing citizens. The federalists, on the other hand, argued that it was impossible to list all the rights, and those that were not listed could be easily over-

looked because they were not in the official bill of rights. Rather, rights in specific cases were to be decided by the judicial system of courts.

After the American Civil War, the federal government increased greatly in influence on everyday life and in size relative to the state governments. Reasons included the need to regulate businesses and industries that span state borders, attempts to secure civil rights, and the provision of social services. The federal government acquired no substantial new powers until the acceptance by the Supreme Court of the Sherman Anti-Trust Act.)

12. Which one of the following is the most important characteristic of a Parliamentary Government?
- a) Majority Rule
 - b) Rule of Law
 - c) Direct election of Member of Parliament
 - d) Collective responsibility of the Executive to the Legislature

Ans D

13. Given below are two statements, one labelled as: Assertion (A) and the other labelled as Reason (R). Choose the correct answer from the codes.
- Reason (R): Presidential System is suitable for meeting crises. Reason (R): The President has a fixed tenure.
- a) Both (A) and (R) are true and (R) is the correct explanation of (A).
b) Both (A) and (R) are correct But (R) is not the correct explanation of (A).
c) (A) is true but (R) is false.
d) (A) is false but (R) is true

Ans B

14. Consider the statement which is followed by two arguments (I) and (II):
Statement: Should India Switch over to a two party system?
Arguments:
(I) Yes, it will lead to stability of Government. (II) No, it will limit the choice of voters
a) Only argument (I) is strong. b) Only argument (II) is strong
c) Both the arguments are strong d) Neither of the arguments is strong

Ans C

(A two-party system is a system where two major political parties dominate politics within a government. One of the two parties typically holds a majority in the legislature and is usually referred to as the majority party while the other is the minority party. The term has different senses. For example, in the United States, Jamaica, and Malta, the sense of Two Party System describes an arrangement in which all or nearly all elected officials only belong to one of the two major parties, and third parties rarely win any seats in the legislature. In such arrangements, Two Party systems are thought to result from various factors like winner takes all election rules. In such systems, while chances for third party candidates winning election to major national office are remote, it is possible for groups within the larger parties, or in opposition to one or both of them, to exert influence on the two major parties. In contrast, in the United Kingdom and in other parliamentary systems and elsewhere, the term two-party system is sometimes used to indicate an arrangement in which two major parties dominate elections but in which there are viable third parties which do win seats in the legislature, and in which the two major parties exert proportionately greater influence than their percentage of votes would suggest.

Two-Party systems can be compared with:

Multi-Party Systems: In these, the effective number of parties is greater than two but usually fewer than five; in a two-party system, the effective number of parties is two (according to one analysis, the actual average number of parties varies between 1.7 and 2.1). The parties in a multi-party system can control government separately or as a coalition; in a two party system, however, coalition governments rarely form. Examples of nations with multiparty systems include Brazil, Canada, Denmark, Finland, France, Germany, India, Pakistan, Indonesia, Ireland, Israel, Italy, Mexico, the Netherlands, New Zealand, Norway, Portugal, Sweden, and Taiwan.

Single – Party systems or dominant – party systems happen in nations where no more than one party is codified in law and/or officially recognized, or where alternate parties are restricted by the dominant party which wields power. Examples include rule by the Communist Party of China and the people's Action Party of Singapore.

Advantage: Some historians have suggested that two-party systems promote centrism and encourages political parties to find common positions which appeal to wide swaths of the electorate. It can lead to political stability which leads, in turn, to economic growth. Historian Patrick Allitt of the Teaching Company suggested that it is difficult to overestimate the long term economic benefits of political stability. Sometimes two-party systems have been as preferable to multi-party systems because they are simpler to govern, with less fractiousness and greater harmony, since it discourages radical minor parties, while multi-party systems can sometimes lead to hung-parliaments. The two-party has been identified as simple since there are fewer voting choices.

Disadvantages: Two-party systems have been criticized for downplaying alternative views, being less competitive, encouraging voter apathy since there is a perception of fewer choices, and putting a damper on debate within a nation. In a proportional representation system, lesser parties can moderate policy since they are not usually eliminated from government. One analyst suggested the two-party approach may not promote inter-party compromise but may encourage partisanship. In the Tyranny of the Two-party system, Lisa Jane Disch criticizes two-party systems for failing to provide enough options since only two choices are permitted on the ballot.

There have been arguments that the winner-take-all mechanism discourages independent or third-party candidates from running for office or promulgating their views. Ross Perot's former campaign manager wrote that the problem with having only two parties is that the nation loses "the ability for things to bubble up from the body politic and give voice to things that aren't being voiced by the major parties. "One analyst suggested that parliamentary systems, which typically are multiparty in nature, lead to a better "centralization of policy expertise" in government. Multi-party governments permit wider and more diverse viewpoints in government, and encourage dominant parties to make deals with weaker parties to form winning coalitions. While there is considerable debate about the relative merits of a constitutional arrangement such as that of the United States versus a parliamentary arrangement such as Britain, analysts have noted that most democracies around the world have chosen the British multi-party model. Analyst Chris Weigant of the Huffington Post wrote that "the parliamentary system is inherently much more open to minority parties getting much more open to minority parties getting much better representation than third parties do in the American system." After an election in which the party changes, there can be a "polar shift in policy-making" when voters react to changes.]

15. Consider the statement which is followed by two arguments (I) and (II):
Statement: Should persons with criminal background be banned from contesting elections?
Arguments:
(I) Yes, it will decriminalize politics.
(II) No, it will encourage the ruling party to file frivolous cases against their political opponents.
- | | |
|-----------------------------------|--|
| a) Only argument (I) is strong. | b) Only argument (II) is strong. |
| c) Both the arguments are strong. | d) Neither of the arguments is strong. |

Ans

A

(The Supreme Court's of India came out with a judgement on July 10 to ensure that those who are convicted of serious crimes cannot sit in Parliament or State legislatures. The crucial verdict struck down as unconstitutional Section 8 (4) of the Representation of the People Act that gives elected convicts the cover of appeal in order to sit in Parliament or State Assemblies for years.

The court, which allowed writ petitions filed by a public-spirited advocate Lily Thomas and Lok Prahari, a non-governmental organisation fighting for people's rights, took recourse to Articles 102 and Article 191 of the Constitution to declare section 8(4) ultra vires. The judgement makes it clear that the same disqualification clause must apply both to a person chosen to be a Member of Parliament or State Legislature and for a person to continue as an MP or MLA.

Political parties are themselves to blame for having brought about the present situation. They ought not to have allowed the entry of criminals into their own ranks. Criminals should not be given tickets to facilitate their entry into Parliament and State legislatures.)

16. Which one of the following statements is not correct?
- a) Indian Parliament is Supreme
 - b) The Supreme Court of India has the power of judicial review.
 - c) There is a division of powers between the Centre and the States.
 - d) There is a Council of Ministers to aid and Advise the President.

Ans

A

(Like the British counterpart, the Parliament of India is not a fully sovereign legislature. It does not enjoy unlimited and absolute powers like that of the British Parliament. It is a creation of the Constitution. It has no natural growth like that of the British Parliament. As it is created by the Constitution, it is bound by the provisions of the Constitution.)

17. Which one of the following statements reflects the republic character of Indian democracy?
- a) Written Constitution b) No State religion
- c) Devolution of power to local Government institutions
- d) Elected President and directly or indirectly elected Parliament.

Ans

D

(A republic is a government where the head of state is not a monarch. India became a sovereign, democratic, republic after its constitution came into effect on 26th January 1950.

18. Which Constitutional Article states 'This Constitution may be called the Constitution of India'
- a) Article 397 b) Article 396 c) Article 395 d) Article 394

Ans

D

(394. Commencement This article and Articles 5,6,7,8,9,60,324,366,367,379,380,388,391,392 and 393 shall come into force at once, and the remaining provisions of this Constitution shall

come into force on the twenty sixth day of January, 1950, which day is referred to in this Constitution as the commencement of this Constitution.)

19. Match List I with List II

- | | | |
|----------------------------|---|--|
| A. President of India | : | 1. Secrecy of India information |
| B. Judges of Supreme Court | : | 2. Faithful Discharge of duties |
| C. Members of Parliament | : | 3. Faith and Allegiance to the Constitution of India |
| D. Minister for the Union | : | 4. Upholding the Constitution and the law |
| a) A-3, B-4, C-1, D-2 | | b) A-4, B-3, C-2, D-1 |
| c) A-3, B-4, C-2, D-1 | | d) A-4, B-3, C-1, D-2 |

Ans C

20. The sequence in which the given terms are mentioned in the preamble to the Constitution of India is

- a) Sovereign, Socialist, Secular, Democratic, Republics
- b) Socialist, Secular, Sovereign, Democratic, Republic
- c) Secular, Socialist, Sovereign, Democratic, Republics
- d) Sovereign, Democratic, Socialist, Secular, Republics

Ans A

(Preamble WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a (SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC) and to secure to all its citizens:

JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the (unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.)

21. India is a

- a) Federal, Presidential, Republics
- b) Republic, Parliamentary, Unitary
- c) Unity, Presidential, Republics
- d) Federal, Parliamentary, Republic

Ans D

22. India has been described as

- a) Union of States
- b) Federation of States
- c) Confederation of states
- d) Centralization of State

Ans A

23. Who had said that the preamble is the keynote to the Constitution

- a) K.M. Munshi
- b) Earnest Barker
- c) D.D. Basu
- d) B.R. Ambedkar

Ans B

24. In which case Supreme Court declared that the Preamble is the integral part of the Constitution?

- a) Kesavananda Bharti Case
- b) Nankar Gandhi Case
- c) A.K. Gopalan case
- d) Kerala Education Bill case

Ans A

Chapter No- 4

Fundamental Rights

Fundamental Rights

Six Fundamental Rights have been provided by the Constitution:

1. Right to equality
2. Right to liberty
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights
6. Right to constitutional remedy

Article 14

Article 14 of the constitution provides that the state shall not deny any person equality before the law or equal protection of the laws within the territory of India.

Exceptions to the provision of equality before law, allowed by the Indian Constitution are

1. The President or the Governor of a State is not answerable to any Court for the exercise and performance of the powers and duties of his office.
2. No criminal proceeding can be instituted or continued against the President or a Governor in any Court during his term of office.
3. No Civil proceeding in which relief is claimed against the President or the Governor of a state can be instituted during his term of office in any Court in respect of any act done by him in his personal capacity, without a prior notice of two months.
4. The above immunities do not bar Impeachment proceeding against the President and Suits or other appropriate proceeding against the Government of India or the Government of State.
5. Exceptions acknowledged by the comity of nations in every civilized country, in favour of foreign Sovereigns and ambassadors.
6. The guarantee of 'equal protection' is a guarantee of equal treatment of persons in 'equal circumstances', permitting differentiation in different circumstances.

Article 15

Article 15 of the Constitution states that: That state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

1. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them be subjected to any disability, liability restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of general public.
2. Nothing in this article shall prevent the state from making any special provisions for women, children or any socially and educationally backward classes.

Article 16

Article 16 guarantees Equality of opportunity in matters of public employment . It says that:

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth or any of them, be ineligible for any employment under the state.

The Mandal Commission Case

1. A nine-Judge Bench of the Supreme Court has laid down in Indra Sawchney's case (popularly known as the Mandal Commission Case) regarding reservation in Government employment, that:

2. Under Article 16(4) provisions can be made in favour of the backward classes in the matter of employment by Executive orders also.
3. Backward class of citizens is not defined in the Constitution. A caste may also constitute a class.
4. The Backwardness contemplated by Art 16(4) is mainly social. It need not be both social and education.
5. Income or the extent of property can be taken as a measure of social advancement and on that basis the 'creamy layer' of a given caste can be excluded.
6. The reservations contemplated in Art.16(4) should not and cannot extend to providing reservation in promotion.

Note: Mandal Commission was set up in 1979 under the Chairmanship of B.N.Mandal, M.P. (Former Chief Minister of Bihar)

The 77th Amendment has provided to continue reservation in promotion for the S.C. and S.T.

Identification of backward classes is subject to judicial review.

Article 17

Article 17 ensures Abolition of Untouchability. The word 'untouchability' has not been defined either in the Constitution or in the relevant Act of Parliament. It has been assumed that the word has a well known connotation.

Article 18

Article 18 ensures Abolition of titles. It prevents the state from conferring any title.

This ban is only against the State and not against other public institutions, such as universities.

The State is not debarred from awarding military or academic distinctions, even though they may be used as titles.

The state is not prevented from conferring any distinction or award which can not be used as a title. Bharat Ratna or Padma Vibhushan can not be used by the recipient as a title and therefore does not come within the Constitutional prohibition.

Article 19 provides the six freedoms of :

1. Speech and expression;
2. Assemble peacefully and without arms;
3. Form associations or unions
4. Move freely throughout the territory of India; and
5. Practice any profession, or to carry on any occupation, trade or business.
 - i. State can impose restrictions on the freedom of speech in the interest of the sovereignty and integrity of India or public order or morality. Restrictions can also be imposed on freedom of movement and reside and settle in the interests of the general public or for the protection of the interests of any Scheduled Tribe.
 - ii. Restrictions can be imposed on the right to form associations in the interest of the sovereignty and integrity of India or public order or morality. Restrictions can also be imposed on freedom of movement and reside and settle in the interests of the general public or for the protection of the interests of any Scheduled Tribe.
 - iii. State can prescribe the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business. State can exclude any citizen from a business or industry run by the Government or 4 body of Government.
 - iv. There is no specific provision in the Constitution guaranteeing the freedom of the press because freedom of the press is included in the wider freedom of 'expression' which is guaranteed by freedom of expression under Art.19

Article 20 guarantees certain protection in respect of conviction for offences. It prohibits:

1. Retrospective criminal legislation commonly known as ex post facto legislation
2. Double jeopardy or punishment for the same offence more than once.
3. Compulsion to give self-incriminating evidence.

Article 21

Article 21A makes the right of education for children of the age of 6 to 14 years a fundamental right (Ref :86th Amendment Act. 2002)

Article 21 of Constitution

Article 21 of Constitution provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law.

- i. Under the 'Due Process' Clause of the American Constitutions, the Court has assumed the power of declaring unconstitutional any law which deprives a person his liberty without reasonableness and fairness.
- ii. In England courts have no power to invalidate a law made by Parliament.
- iii. In the case of Gopalan Supreme Court held that our Constitution had embodied the English concept.
- iv. In Maneka's case the Supreme Court held that a law made by the State which seeks to deprive a person of his personal liberty must prescribe a procedure for such deprivation which must not be arbitrary, unfair or unreasonable. It follows that such law shall be invalid if it violates the principle of natural justice.

Article 22

Article 22 provides that no person who is arrested shall be detained in custody without being informed of the grounds for such arrest.

- i. No arrested person can be denied the right to consult, and to be defended by a legal practitioner of his choice.
- ii. Every person who is arrested and detained in custody is to be produced before the nearest magistrate within a period of twenty-four hours of arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person can be detained in custody beyond that period without the authority of a magistrate.
- iii. The above safeguard is not available to an enemy alien and a person arrested or detained under a law providing for preventive detention.
- iv. The Constitution authorizes the Legislature to make laws for preventive detention for the security of state, the maintenance of public order, or the maintenance of supplies and services essential to the community, or for reasons connected with Defence and Foreign Affairs (Ref : Art.22)

Article 23 provides Right against Exploitation in following respects:

- i. Traffic in human beings and beggar and other similar forms of forced labour and prohibited.
- ii. The State can impose compulsory service for public purposes, and in imposing such service the State can not make any discrimination on grounds only of religion, race, caste or class or any of them.
- iii. Special provision for the protection of children is made in Art. 24 which provides that no child below the age of fourteen years can be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 25-28 provides Right to Freedom of Religion.

Article 25 provides freedom of conscience and free profession, practice and propagation of religion subject to public order, morality and health.

Under Article. 25 State can regulate religious activities and provide for social reforms and throw open Hindu religious institutions of public character to all sections of Hindus.

Article 26

Article 26 guarantees following rights to all religious groups subject to public order, morality and health:

1. Establish and maintain institution for religious and charitable purposes
2. Manage its own affairs in matters of religion;
3. Own and acquire movable and immovable property;
4. Administer such property in accordance with law.
 - i. The state cannot compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution (Ref :Art.22)
 - ii. No religious instruction can be provided in any educational institution wholly maintained out of state funds (Ref : Art.28)
 - iii. Where a religious community is in the minority, the Constitution enables it to preserve its culture and religious interests by providing that the state shall not impose upon it any culture other than the community's own culture (Ref : Art.29(1))
 - iv. Such community shall have the right to establish and administer educational institutions of its choice and the state shall not, in granting aid to educational institutions, discriminate against such an educational institution maintained by a minority community on the ground that it is under the management of a religious community [Ref : Art. 30].
 - v. Full compensation has to be paid if the state seeks to acquire the property of a minority educational institution (Ref : Art. 30(1A)).
 - vi. The Fundamental Rights are guaranteed by the Constitution not only against the action of the Executive but also against that of the Legislature.

Right to constitutional remedy, which was termed 'soul of the constitution' by Dr. B. R. Ambedkar has been guaranteed by Art. 32 of the Constitution.

The Writs

For enforcement of fundamental rights, the judiciary has been armed with the power to issue the writs.

- i. The power to issue these writs for the enforcement of the Fundamental Rights is given by the Constitution to the Supreme Court (Ref : Art. 32) and High Courts (Ref : Art. 226).
 - ii. Supreme Court has the power to issue writs only for the purpose of enforcement of the Fundamental Rights whereas under Art. 226 a High Court can issue writs for the purpose of enforcement of Fundamental Rights and /or for the redress of any other injury or illegality.
 - iii. Supreme Court can issue a writ against any person or Government within the territory of India, while High Court can issue a writ against a person, Government or other authority only if they are located within the territorial jurisdiction of the High Court.
1. A writ of Habeas Corpus calls upon the person who has detained another to produce the latter before the court, in order to let the court known on what ground he has been confined and to set him free if there is no legal justification for the imprisonment. The words 'habeas corpus' literally mean 'to have a body'. This writ may be addressed to an official or a private person, who has another person in his custody.

2. Mandamus literally means a command. It commands the person to whom it is addressed to perform some public or quasi-public or quasi-judicial legal duty which he has refused to perform and the performance of which cannot be enforced by any other adequate legal remedy. Mandamus cannot be granted against the President, or the Governor of a state, for the exercise and performance of the powers and duties of his office. While mandamus is available not only against judicial authorities but also against administrative authorities, prohibition and certiorari are issued only against judicial or quasi-judicial authorities.
3. Though prohibition and certiorari are both issued against Courts or Tribunals exercising judicial or quasi-judicial powers, certiorari is issued to quash the order or decision of the Court or Tribunal while Prohibition is issued to prohibit the Court or Tribunal from making the ultra vires order or decision. Prohibition is available during the pendency of the proceedings and before the order is made, certiorari can be issued only after the order has been made.
4. Quo warranto is a proceeding whereby the court enquires into the legality of the claim which a party asserts to a public office, and to oust him from its enjoyment if the claim is not well founded.

The conditions necessary for the issue of a writ of quo warranto are as follows

1. The office must be public and it must be created by a statute or by the constitution itself.
2. The office must be a substantive one and not merely the function or employment of a servant at the will and during the pleasure of another.
3. There has been a contravention of the Constitution or a statute or statutory instrument, in appointing such person to that office

The limitations on the enforcement of the fundamental rights are as follows:

1. Parliament has the power to modify the application of the Fundamental Rights to the members of the Armed Forces, Police Forces or intelligence organizations so as to ensure proper discharge of their duties and maintenance of discipline amongst them [Ref.: Art. 33]
2. When martial law is in force, Parliament may indemnify any person in the service of the Union or a state for any act done by him [Ref.: Art. 34]
3. Certain fundamental rights guaranteed by the Constitution may remain suspended, while a proclamation of Emergency is made by the President under Art. 352.

Right to Information

Right to information has been granted to every citizen of India under Right to information Act, 2005 which came into force on 12th October, 2005.

It is not a Fundamental Right but it entails as clause for penalty in case of delay in giving information to the applicant.

Information Commission has been set-up at central and state levels to oversee implementation of the Act.

MCQ's with Explanations

1. Which of the following rights are available to foreigners living in India?
- | | |
|------------------------|------------------------|
| a) Equality before law | b) Right to education |
| c) Freedom of speech | d) Freedom of movement |

Select the correct answer from the codes given below:

- a) b only b) a and b c) b and d d) a, b and c

Ans B

(The eight fundamental rights re cognized by the Indian constitution are:

Right to equality: Which includes equality before law, prohibition of discrimination on grounds of religion, race, caste, equality of opportunity in matters of employment, abolition of untouchability and abolition of titles.

1. Right to freedom: Which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality), right to life and liberty, right to education, protection in respect to conviction in offence and protection against arrest and detention in certain cases.

2. Right against exploitation: Which prohibits all forms of forced labour, child labour and traffic of human beings
Right to freedom of religion: Which includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instruction in certain educational institutes.

3. Cultural and Educational rights: Preserve the right of any section of citizens to conserve section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.

4. Right to constitutional remedies: Which is present for enforcement of Fundamental Rights.

5. Right to life: Which gives the right to live with human dignity. This includes rights such as right to education, health, shelter and basic amenities that the state shall provide.

6. Right to Information : RTI stands for Right To Information and has been given the status of a fundamental right under Article 19A of the Constitution.)

2. In which part and article of the Constitution of India, Fundamental Duties have been mentioned:

- a) Part IV, Article 51
b) Part III, Article 51
c) Part IV A, Article 51 A
d) Part III A, Article 51 A

Ans C

(The Fundamental Duties were inserted into the Constitution of India by the 42nd Constitutional Amendment Act, 1976 on the recommendations of the Swaran Singh Committee. Ten Fundamental Duties were including in Article 51-A under Part IV- A through this amendment. The 11th Fundamental Duty (51-1(k)) was added by the 86th Constitutional Amendment Act, 2002).

3. Which one of the following rights was recognized by the Supreme Court in the Selvy Case Judgement (2010)?

- a) Right to Mental Privacy
b) Right to purchase property in Jammu and Kashmir
c) Right to form pressure groups
d) NOTA (None of the above)

Ans B

4. Which one of the following writs is issued against an inferior tribunal which has declined to exercise its jurisdiction?

- a) Certiorari b) Prohibition c) Quo Warranto d) Mandamus

Ans D

(The writ of mandamus is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts of duties.)

5. Which one of the following does not qualify for curtailing the freedom of speech and expression under Indian Constitution?
a) Security of the state b) Public order, decency, morality
c) Demand for autonomy d) Contempt of Court

Ans C

(The reasonable restrictions are grounds which permit limitations to be placed on the exercise of speech and expression and are contained under Article 19(2). These include,

a) Security of State; b) Friendly relations with foreign states; c) Public Order d) Decency or morality; e) Contempt of Court; f) Defamation g) Incitement to an offence; and h) Sovereignty and integrity of India.)

6. Which of the following kinds of special provisions are made for the Scheduled Tribes in India?
1. Reservation of seats in Lok Sabha and State Legislative Assemblies.
2. Central Government to give special grants for welfare.
3. Reservation of seats in public services and in employment
4. Reservation of seats in educational institutions.

Select the correct answer from the codes given below.

- a) 1, 2 and 3 b) 1, 3 and 4 c) 2, 3 and 4 d) 1, 2, 3 and 4

Ans D

(Special Provisions of the Constitution of India for Scheduled Castes, Scheduled Tribes and Other Backward Classes:

ARTICLE 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

ARTICLE 16: Equality of opportunity in matters of public employment.

ARTICLE 17: Abolition of Untouchability.

ARTICLE 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and Other Weaker sections—

ARTICLE 164: Other provisions as to Ministers. ARTICLE 330: Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

ARTICLE 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

ARTICLE 334: Reservation of seats and special representation to cease after (Sixty years.

ARTICLE 335: Claims of Scheduled Castes and Scheduled Tribes to services posts.

ARTICLE 338: National Commission for Scheduled Castes and Scheduled Tribes.

ARTICLE 340: Appointment of a Commission to investigate the conditions of Backward Classes.

ARTICLE 341: Scheduled Castes.

ARTICLE 342: Scheduled Tribes.)

7. Arrange the following writs in the correct sequence as given in the Indian Constitution:

i. Certiorari ii. Habeas Corpus iii. Quo Warranto iv. Prohibition v. Mandamus

- a) i, iii, v, ii, iv b) ii, iv, iii, i, v c) ii, v, iv, i, iii d) iii, i, ii, iv, v

Ans C

(Habeas Corpus literally means—that human person is sacred. Hence no man may be detained illegally. Whenever a man is detained, he must be produced before a court.

Mandamus: Meaning ‘command’ mandamus calls upon public servants to perform some duties.

Prohibition writ is issued by the Supreme Court or the High Courts, to prohibit inferior courts under them to overstep their jurisdiction.

Criterion: enables a superior court of compels inferior courts to submit records of proceedings to the higher court.

Quo warranto writ is issued to determine the legality of a person's claim to public office. The purpose of this writ is to prevent usurpation of a public office by an undesirable or, unqualified person).

8. In which one of the following cases the supreme court of India held that both Fundamental Rights and Directive Principles of state policy are equally important and one cannot be sacrificed for the other?

a) S.R.Bommai v/s Union of India b) Balaji v/s State of Mysore
c) Minerva Mills v/s Union of India d) A.K.Gopalan v/s State of Madras

Ans

C

(Minerva Mills Ltd. and Ors. V. Union of India and Ors. (AIR 1980 DSC 1789) is a landmark decision of the Supreme Court of India that applied and evolved the basic structure doctrine of the Constitution of India.)

9. Which of the following political rights are not available to a civil servant in India?
1. Expressing a political view 2. Supporting a political movement
3. Contributing financially to a political party 4. Voting in state and national elections
Select the correct answer from the codes given below:

a) 1, 3 and 4 b) 2, 3 and 4 c) 1, 2 and 3 d) 2 and 3

Ans

C

(Political neutrality of civil servants has been regarded as one of the cardinal conditions for the success of a democratic government. The parliamentary form of government demands from civil service not only neutrality and unimpeachable but also integrity and impartiality to conduct).

10. Which of the following has been provided by the Indian Constitution?

a) Religious education cannot be imparted in private educational institutions.
b) In private religious institutions presence is not compulsory in religious education.
c) In private religious institutions presence is compulsory in religious education.
d) Religious education can be imparted in government educational institutions.

Ans

B

11. Which of the following amendments to the Indian Constitution has made Right to Education a Fundamental Right?

a) 92nd b) 94th c) 93rd d) 91st

Ans

C

(The Constitution (Ninety-third Amendment) Act, 2005, enabled the State to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in relation to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, except minority educational institutions. The Amendment was intended to enable the Union Government to provide reservation of 27% for other backward classes (OBCs) in public and private educational institutions.)

12. Right to privacy as a Fundamental Right is implied in
- | | |
|----------------------|---------------------------------------|
| a) Right to Freedom | b) Right to Life and personal Liberty |
| c) Right to Equality | d) Right against Exploitation |

Ans B

(Right to privacy has come to its existence after widening up the dimensions of Article 21. The constitution in specific doesn't grant any right to privacy as such. However, such a right has been culled by the Supreme Court from Art. 21 and several other provisions of the constitution read with the Directive Principles of State Policy.

Article 21 of the Constitution of India states that "No person shall be deprived of his life or personal liberty except according to procedure established by law". After reading the Article 21, it has been interpreted that the term 'life' includes all those aspects of life which go to make a man's life meaningful, complete and worth living.)

13. The Right to Information Act, 2005 makes the provision of
- | |
|---|
| a) Dissemination of all types of information by all Public authorities to any person. |
| b) Establishment of Central, State and District Level Information Commissions as an appellate body. |
| c) Transparency and accountability in Public authorities. |
| d) All of the above. |

Ans A

(The Right to Information Act 2005 (RTI) is an Act of the Parliament of India "to provide for setting out the practical regime of right to information for citizens. 'The Act applies to all States and Union Territories of India except the State of Jammu and Kashmir. Jammu and Kashmir has its own act called Jammu & Kashmir Right to Information Act, 2009. Under the provisions of the Act, any citizen may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to pro-actively publish certain categories of information so that the citizens need minimum recourse to request for information formally. This law was passed by parliament on 15 June 2005 and came fully into force on 12 October 2005. Information disclosure in India was hitherto restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act now relaxes.

The Act covers the whole of India except Jammu and Kashmir, where J&K Right to Information Act is in Force. It is applicable to all constitutional authorities, including the executive, legislature and judiciary; any institution or body established or constituted by an act of Parliament or a state legislature. It is also defined in the Act that bodies or authorities established or constituted by order or notification of appropriate government including bodies "owned, controlled or substantially financed" by government, or non-Government organizations "substantially financed, directly or indirectly by funds" provided by the government are also covered in it.

Private bodies are not within the Act's ambit directly. In a landmark decision of 30-Nov-2006 ('Sarbjit Roy versus DERC') the Central Information Commission also reaffirmed that privatized public utility companies continue to be within the RTI Act – their privatization not with standing.

The Act empowers applicant citizens to:

1. Obtain copies of permissible governmental documents.
2. Inspect permissible governmental documents.
3. Inspect permissible Governmental works and obtain samples.

The Central Government, State Authorities as defined in S.2(e) are vested with powers to make rules to carry out the provisions of the Right to Information Act, 2005. (S.27 & S.28)

The Act allows those part(s) of the record which are not exempt from disclosure and which can reasonably be severed from parts containing exempt information to be provided.

Exclusions:

Central Intelligence and Security agencies specified in the Second Schedule like IB, Directorate General of Income Tax Investigation, RAW, Central Bureau of Investigation (CBI), Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Control Bureau, Aviation Research Centre, Special Frontier Force, BSF, CRPF, ITBP, CISF, NSG, Assam Rifles, Special Service Bureau, Special Branch (CID), Andaman and Nicobar, The Crime Branch-CID-CB, Dadra and Nagar Haveli and Special Branch, Lakshadweep police. Agencies specified by the State Governments through a Notification will also be excluded. The exclusion, however, is not absolute and these organizations have an obligation to provide information pertaining to allegations of corruption and human rights violations. Further information relating to allegations of human rights violation could be given but only with the approval of the Central or State Information Commission.

Information Exclusions

The following is exempt from disclosure:

V Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, "strategic, scientific or economic" interests of the State, relation with foreign State or lead to incitement of an offense;

1. Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
2. Information, the disclosure of which would cause a breach of privilege of parliament or the State Legislature;
3. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
4. Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
5. Information received in confidence from foreign Government;
6. Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
7. Information which would impede the process of investigation or apprehension or prosecution of offenders;
8. Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
9. Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual (but it is also provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied by this exemption);
10. Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests. (NB: This provision is qualified by the proviso to sub-section 11(1) of the Act

which exempts disclosure of “trade or commercial secrets protected by law” under this clause when read along with 8 (1)d).

Role of the government

1. Section 26 of the Act enjoins the central governments, as also the state governments of the Union of India (Excluding J&K), to initiate necessary steps to:
2. Develop educational programmes for the public especially disadvantaged communities on RTI.
3. Encourage Public Authorities to participate in the development and organization of such programs.
4. Promote timely dissemination of accurate information to the public.
5. Train officers and develop training materials.
6. Compile and disseminate a User Guide for the public in the respective official language.
7. Publish names, designation postal addresses and contact details of PIOs and other information such as notices regarding fees to be paid, remedies available in law if request is rejected etc.)

14. Which of the following rights was considered the “Heart and Soul” of the Indian Constitution by Dr.B.R.Ambedkar?

- | | |
|---------------------------------|--------------------------------------|
| a) Freedom of Speech | b) Right to Equality |
| c) Right to Freedom of Religion | d) Right to Constitutional Remedies. |

Ans

D

(‘Part III – Fundamental Rights’ is a charter of rights contained in the Constitution of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.

The six fundamental rights recognized by the constitution are:

1. Right to Equality : including equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles.

2. Right to Freedom : which includes speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality), right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases.

3. Right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings.

4. Right to freedom of religion, including freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes.

5. Cultural and Educational Rights preserving Right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.

6. Right to constitutional remedies for enforcement of Fundamental Rights. Fundamental rights for Indian have also been aimed at overturning the inequalities of pre-independence social practices. Specifically, they have also been used to abolish untouchability and hence prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour. They also protect cultural and educational rights of ethnic and religious minorities by allowing them to preserve their languages and also establish and administer their own education institutions. Dr.B.R.Ambedkar, the chairman of the Drafting committee called the fundamental right to constitutional remedies as the heart and soul of the Indian constitution.

7. Right to constitutional remedies empowers the citizens to move a court of law in case of any denial of the fundamental rights. For instance, in case of imprisonment, the citizen can ask the court to see if it is according to the provisions of the law of the country. If the court finds that it is not, the person will have to be freed. This procedure of asking the courts to preserve or safeguard the citizens' fundamental rights can be done in various ways. The courts can issue various kinds of writs. These writs are habeas corpus, mandamus, prohibition, quo warranto and certiorari. When a national or state emergency is declared, this right is suspended by the central government.

Right to property was originally a fundamental right, but is now a legal right.

8. The Fundamental Duties of a Citizen include

1. Respect for the Constitution, the National Flag and the National Anthem.
2. To develop the scientific temper.
3. Respect for the Government
4. To protect Wildlife.

Choose the correct answer from the codes given below:

Codes: a) 1, 2 and 3 b) 1, 2 and 4 c) 2, 3 and 4 d) 1, 3, 4 and 2

Ans

B

(The Fundamental Duties are a novel feature of the Indian Constitution in recent times. Originally, the Constitution of India did not contain these duties. The Forty Second Constitution Amendment Act, 1976 has incorporated ten Fundamental Duties in Article 51a) of the constitution of India. The Eighty-Six Constitution Amendment Act, 2002 has added one more Fundamental Duty in Article 51a) of the constitution of India. As a result, there are now 11 Fundamental Duties of the Citizen of India.

The following are the Eleven Fundamental Duties of every citizen of India:

- a. To abide by the Constitution and respect the National Flag and the National Anthem.
- b. To cherish and follow the noble ideals which inspired our national struggle for freedom;
- c. To uphold and protect the sovereignty, unity and integrity of India;
- d. To defend the country and render national service when called upon to do so;
- e. To promote harmony and the spirit of common brotherhood amongst all people of India transcending religious, linguistic and regional and to renounce practices derogatory to the dignity of women;
- f. To value and preserve the rich heritage of our composite culture;
- g. To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures;
- h. To develop the scientific temper, humanism and the spirit of inquiry and reform;
- i. To safeguard public property and to abjure violence;

- j. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of Endeavour and achievement.”
- k. To provide opportunities for education by the parent the guardian, to his child, or a ward between the age of 6-14 years as the case may be.

An analysis of the above duties levels that they are applicable only to citizens and not to the aliens. It is expected that a citizen of India. While enjoying fundamental rights, should also perform these duties. Although there is no provision in the constitution for direct enforcement of any of these duties, yet. The courts are guided by these duties while interpreting various laws. These duties have Sancity as these are included in the Directive Principles of State policy.)

15. The right to impart and receive information is guaranteed in the Constitution of India by Article:

a) 19 (2) A b) 19 (16) c) 19 (2) d) 19 (1) A

Ans

D

(Article 19 in the Constitution of India 1949)

19 Protection of certain rights regarding freedom of speech etc.,

1. All citizens shall have the right

- a) To freedom of speech and expression; b) To assemble peaceably and without arms;
- c) To form associations or unions; d) To move freely throughout the territory of India;
- (e) To reside and settle in any part of the territory of India; and (f) omitted
- (g) To practice any profession, or to carry on any occupation, trade or business

2. Nothing in sub clause

- a) Of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

3. Nothing in sub clause

- b) Of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub clause

4. Nothing in sub clause

- c) Of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub clause

5. Nothing in sub clauses

- d) And (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe

6. Nothing in sub clause

- (g) Of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub clause, and in

particular, nothing in the said sub clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,

1. The professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or
2. The carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise]

16. Which one of the following Articles of the Constitution of India safeguards the rights of Minorities to establish and run educational institutions of their own liking?

- a) Article 19 b) Article 29 c) Article 30 d) Article 31

Ans

C

[Article 30.Right of minorities to establish and administer educational institutions.

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language]

17. Which of the following amendments took away the right to property from the list of the fundamental rights?

- a) 42nd b) 44th c) 45th d) 43rd

Ans

B

18. Article 30 of the Indian Constitution deals with the

- a) Freedom of conscience
- b) Right to propagate religion
- c) Rights of minorities to establish and manage educational institutions
- d) Cultural and educational right of the majority community

Ans

C

[Article : 30. Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language]

19. Fundamental rights guaranteed in the Indian Constitution can be suspended only by

- a) A proclamation of an emergency
- b) An Act passed by the Parliament
- c) An amendment of the Constitution
- d) The judicial decision of the Supreme Court

Ans

A

20. Right to education relates to
a) Article 19 b) Article 20 c) Article 21 d) Article 21A
Ans D
[Article 21A: The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”.]
21. Right to education is a
a) Fundamental right b) Legal right
c) Natural right d) Neither fundamental nor legal right
Ans A
22. When Right to Information Act came into force in India?
a) 10th October 2005 b) 11th October 2005 c) 12th October 2005 d) 13th October 2005
Ans C
[The Right to Information Act (RTI) is an Act of the Parliament “to provide for setting out the practical regime of right to information for citizens” and replaces the erstwhile Freedom of information Act, 2002. The Act applies to all States and Union Territories of India except Jammu and Kashmir. Under the provisions of the Act, any citizen may request information from a “public authority” (a body of Government or “instrumentality of State”) which is requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally. This law was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. The first application was given to a Pune police station. Information disclosure in India was restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act relaxes. It codifies a fundamental right of citizens.]
23. Article 14-18 of the Constitution deal with
a) Right to equality b) Right to Assembly
c) Right to Property d) Right to Expression
Ans A
[Article: 14. Equality before law.
Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of Article birth. 16. Equality of opportunity in matters of public employment.
Article 17. Abolition of Untouchability . 18. Abolition of titles.]
24. Right to Property is now a
a) Legal Right b) Fundamental Right c) Executive Law d) Directive Principle
Ans A
[The Indian Constitution does not recognize property right as a fundamental right. In the year 1977, the 44th amendment eliminated the right to acquire, hold and dispose of property as a fundamental right. However, in another part of the Constitution, Article 300A was inserted to affirm that no person shall be deprived of his property save by authority of law. The result is that the right to property as a fundamental right is now substituted as a statutory right. The amendment expanded the power of the state to appropriate property for social welfare purpose.]

25. Which among the following is not among six fundamental rights provided by Constitution?

- a) Right to equality
b) Right to Protest
c) Right against exploitation
d) Right to freedom of religion

Ans B

[Six fundamental rights provided by Constitution are:

1. Right to equality
2. Right to liberty
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and Educational rights
6. Right to constitutional remedy]

26. Which Article ensures abolition of Untouchability?

- a) Article 16 b) Article 17 c) Article 18 d) Article 19

Ans B

27. Which article ensures Abolition of Titles?

- a) Article 16 b) Article 17 c) Article 18 d) Article 19

Ans C

28. Article 19 provides six freedoms, which is not among them?

- a) Freedom of speech and expression. b) Assemble peacefully and without arms
c) Form associations or unions d) Reside and settle in any part of your state only.

Ans D

[Article 19 provides six freedoms:

1. Freedom of speech and expression.
2. Assemble peacefully and without arms.
3. Form associations or unions.
4. Reside and settle in any part of the territory of India.
5. Move freely throughout the territory of India.
6. Practice any profession, or to carry on any occupation, trade or business.]

29. Abolition of Untouchability deals with

- a) Art.17 b) Art.32 c) Art.14 d) Art.18

Ans A

[Article 17: Abolition of Untouchability: Untouchability is abolished and its practice in any form is forbidden The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law]

30 The idea of Fundamental Rights was adopted from

- a) Greece b) America c) Australia d) Finland

Ans B

[The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man.

Following are the borrowed features of constitution from America:

- Written Constitution
- Executive head of state known as President and his being the Supreme Commander of the Armed Forces
- Vice-President as the ex-officio Chairman of Rajya Sabha
- Fundamental Rights
- Supreme Court
- Provision of States

- Independence of Judiciary and judicial review
 - Preamble
 - Removal of Supreme Court and High court Judges]
31. Fundamental Rights are incorporated in which part of the Constitution?
a) Part III b) Part II c) Part IV d) Part IX
Ans A
[PART III-FUNDAMENTAL RIGHTS .Art (12-35)]
32. Which part is described by Dr.Ambedkar most criticized part of the Constitution?
a) Part III b) Part II c) Part IV d) Part IX
Ans A
33. Which Fundamental Right deleted by 44th Constitutional amendment?
a) Right to equality b) Right to Assembly
c) Right to Property d) Right to Expression
Ans C
34. In which amendment the right to property the right to property was deleted from Fundamental Rights?
a) 42nd b) 44th c) 73rd d) 48th
Ans B
35.is the most fundamental of Fundamental Rights
a) Personal Liberty b) Right to equality c) Minority rights d) Religious rights
Ans A
36. Article 30 of the Indian constitution deals with
a) Right to propagate religion b) Abolition of untouchability
c) Right of the minorities to establish and manage educational institutions
d) Freedom of conscience
Ans C
37. In the Indian Constitution the power to issue a writ of "Habeas Corpus" is vested
a) The Supreme Court b) The High Courts
c) The Subordinate Courts d) The Supreme Courts and the High Courts
Ans D
38. Which of the following writs is issued by an appropriate judicial body in order to free a person who has been illegally detained?
a) Heabeas Corpus b) Prohibition c) Quo-Warranto d) Certiorari
Ans A
39. Which of the following Fundamental rights is guaranteed only to the citizens
a) Equality before law b) Freedom of speech and expression
c) Right to life and liberty d) Right to freedom of religion
Ans B

[The Constitution of India provides the right to freedom, given in articles 19,20,21 and 22, with the view of guaranteeing individual rights that were considered vital by the framers of the constitution. The right to freedom in Article 19 guarantees the Freedom of speech and expression, as one of its six freedoms.]

40. Fundamental Rights guaranteed in the Constitution can be suspended
- | | |
|---------------------------------------|---|
| a) Proclamation of national emergency | b) An Act passed by the Parliament |
| c) An amendment of the Constitution | d) Judicial decision of the Supreme Court |

Ans A

41. Which of the following is not included in Right to Freedom?
- | | |
|--------------------------------------|-------------------------------------|
| a) Equality before law | b) Freedom of speech and expression |
| c) Acquire, hold or dispose property | d) Right to freedom of religion |

Ans C

42. Minority rights are given in
- | | | | |
|------------------|----------------------|---------------|---------------|
| a) Article 25-28 | b) Article 29 and 30 | c) Article 31 | d) Article 32 |
|------------------|----------------------|---------------|---------------|

Ans B

[Article 29 (1) guarantees to any section of the citizen residing in any part of India having a distinct language, script or culture of its own, the right to conserve the same, i.e. language, script or culture. A minority community can preserve its language, script or culture by and through educational institutions. Therefore, the right to establish and maintain institutions of their choices, is necessary concomitant to the right to preserve its distinctive language, script or culture. This right is guaranteed to them by Article 30 (1) which says that all minorities whether bases on religion or language shall have the right to establish and administer educational institutions of their choice.

This right is further protected by Article 30 (2) which prohibits the State in granting aid to educational institutions from discriminating against any educational institutions on the ground that it is under the management of a minority whether based on religion or language. This right, however, subjected to clause (2) of Article 29, according to which no citizen shall be denied admission into any educational institutions maintained by the State or receiving aid out of State funds on grounds only for religion, race, caste, language or any of them. This Article applies to both citizen and non-citizen.

Right of Minorities to establish and manage Educational Institutions – Article 30 (1) guarantees to all linguistic and religious minorities the 'right to administer' educational institutions of their own choice. The right is conferred by this clause on two types of minorities – religious and linguistic minorities. The word 'establish' indicates the right to bring into existence, while the right to administer an institution means the right to effectively manage and conduct the affairs of the institution. The administration connotes management of the affairs of the institution. The management must be free of control so that the founders of their nominees can mould the institution as they think fit in accordance with they think fit in accordance with their ideas of how the interest of community in general and the institution in particular will be served.

Power of Government to regulate minority run educational institutions – The right conferred on the religious and linguistic minorities to administer educational institutions of their choice is not an absolute right. This right is not free from regulation. Just a regulatory measures are necessary from maintain educational character and content of minority institutions similarly regulatory measures are necessary for ensuring orderly, efficient and sound administration.

The right to administer is not the right to administration. The right to administer implies a correlative duty to good administration.]

43. The Supreme Court has the power to issue writs under
a) Article 25 b) Article 29 c) Article 44 d) Article 32

Ans D

[Article 332 : Remedies for enforcement of right conferred by this part

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this part is guaranteed
2. The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, man dam us, prohibition, qup warrant and certiorari, whichever may be appropriate, for the enforcement of the rights conferred by this part
3. Without prejudice to the powers conferred on the Supreme Court clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercise able by the Supreme Court under clause (2)
4. The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.]

44. Which Article is related to Equality before law?
a) Art 13 b) Art 14 c) Art 15 d) Art 16

Ans B

[Art 13 – Laws inconsistent with or in derogation of the fundamental rights.

Art 15 – Prohibition of discrimination on grounds of religion, race, case, sex or place of birth

Art 16-Equality of opportunity in matters of public employment].

45. Which Article is related with “Abolition of Untouchability”?
a) Article 20 b) Article 19 c) Article 18 d) Article 17

Ans D

[“Article 20” – Protection in respect of conviction for offences. “Article 19” – protection of certain rights regarding freedom of speech. “Article 18 “ – Abolition of Titles.]

46. Which Article is for “Protection against arrest and detention in certain cases”?
a) Article 24 b) Article 23 c) Article 22 d) Article 21

Ans C

[“Article 24 “ – Prohibition of employment of children in factories etc. “Article 23” – Prohibition of traffic in human beings and forced labour. “Article 21 “ – Protection of life and personal liberty. “Article 21 A” is for right to education.]

47. Which Article is for “Protection of interests of Minorities”?
a) Article 26 b) Article 27 c) Article 29 d) Article 30

Ans C

[“Article 26” – Freedom to manage religious affairs. “Article 27” – freedom as to payment of taxes for promotion of any particular religion. “Article 30” – Right of Minorities to establish and administer educational institutions.]

48. Which article is related to "Equal Justice and free legal aid"?
- a) Article 39 b) Article 39 A c) Article 43 d) Article 43 A
- Ans B
- ["Article 39" : Certain principles of policy to followed by state.
"Article 43" : Living wage, etc for workers. "Article 43 A" : Participation of workers in management of industries.]
49. With reference to the Constitution of India, consider the following:
1. Fundamental right 2. Fundamental Duties 3. Directive Principles of States Policy
Which of the above provisions of the Constitution of India I is/are fulfilled by the National Social Assistance Programme launched by the government of India?
- a) 1 only b) 3 only c) 1 and 3 only d) 1, 2 and 3
- Ans C
50. Under the term "Double Jeopardy" implied in clause 2 of Article 20 of the Constitution of India, a person
- a) Convicted by a court of law cannot be punished under departmental proceedings for the same offence
b) Punished departmentally cannot be prosecuted in a court of law for the same offence
c) Shall not be prosecuted and punished for the same offence more than once
d) Cannot be subjected proceedings in civil courts for disobedience of an injunction along with criminal proceedings
- Ans C
51. Which of the following are envisaged by the Right against exploitation in the Constitution of India?
- a) Prohibition of traffic in human beings and forced Labour
b) Abolition of untouchability
c) Protection of the interest of the minorities
d) Prohibition of free movement.
- Ans A
52. Which Supreme Court Judgement pronounced that Fundamental Rights cannot be abridged—
- a) Golak Nath Vs. State of Punjab A.I.R.1967 S.C.1643
b) Kesavanand Bharati vs. State of Kerala A.I.R. 1973 S.C.1961
c) Indira Gandhi vs.Rajnarain A.I.R. 1975 S.C.2299
d) None of the above
- Ans A
53. Which Fundamental Rights Article is not in operation during the emergency—
- a) Article 22 b) Article 19 c) Article23 d) Article 24
- Ans B
54. Article 14 deals with
- a) Equality before law b) Equality of Opportunity
c) Equality of Participation d) Equality of Expression
- Ans A

55. Through which constitutional amendment in article 359, it has been laid down that Fundamental Rights under articles 20 and 21 are enforceable during the operation of emergency—

- a) 44th Amendment Act b) 46th Amendment Act
c) 45th Amendment Act d) 48th Amendment Act

Ans A

56. Which article was known as 'seven freedoms' in our constitution

- a) Art. 17 b) Art. 32 c) Art. 19 d) Art. 18

Ans C

57. Freedom of Expression deals with

- a) Art.17 b) Art.32 c) Art.19 d) Art.18

Ans C

58. Right to education incorporated in

- a) Art.17 b) Art.32 c) Art.19 d) Art.21

Ans D

59. Which article provides protection against arrest and detention

- a) Art.22 b) Art.32 c) Art.19 d) Art.21A

Ans A

60. Right to vote and to be elected in India is a

- a) Fundamental Right b) Constitutional Right c) Natural Right d) legal Right

Ans B

61. Article 20 of the Fundamental Rights represents which subject--

- a) Equality of opportunity in matters of public employment
b) Protection in respect of Conviction of Offence
c) Protection of life and personal liberty
d) None of the above

Ans B

62. Article 15 deals with

- a) Equality before law b) Equality of opportunity
c) Prohibition of discrimination d) Equality of Expression

Ans C

63. Article 17 deals with

- a) Abolition of Titles b) Abolition Untouchability
c) Equality of Participation d) Equality of Expression

Ans B

64. Who has the power to declare that citizen has no right to move any court for the enforcement of the right conferred by Part 3 of Fundamental Rights during the course of emergency—

- a) Executive b) President c) Governor d) Prime Minister

Ans B

Chapter No- 5

Citizenship, Directive Principles of The State Policy And Fundamental Duties.

Citizenship

1. The Constitution of India provides for a single and uniform citizenship for whole of India.
2. Citizenship of India was granted to every person who domiciled in the territory of India at the commencement of the constitution and who was born in the territory of India or –
 - i. Either of whose parents was born in the territory of India or
 - ii. Who had been ordinarily residing in the territory of India for not less than five years immediately preceding commencement of the Constitution.
3. Indian citizens have the following rights under the Constitution which aliens do not possess:
 - i. Some of the Fundamental Rights enumerated in Part III of the Constitution, e.g. Articles 15, 16, 19, 29, 30.
 - ii. Only citizens are eligible for offices of the President, Vice-President, Judge of the Supreme Court or a High Court, Attorney-General, Governor of a State, Member of a Legislature etc.
 - iii. Only citizens have the right to vote.
4. Enemy aliens are not entitled to the benefit of the procedural provisions in clauses (1)-(2) of Article 22 relating to arrest and detention.
5. The citizenship Act, 1955, provided for the acquisition of Indian citizenship in the following ways:
 - i. Generally, every person born in India on or after January 1950, shall be a citizen of India if either of his parents was a citizen of India at the time of his birth.
 - ii. A person who was outside India on or after 26 January, 1950, shall be a citizen of India by descent, if his father was a citizen of India at the time of that person's birth.
 - iii. A person can apply for and get registered as a citizen of India by the competent authority if he satisfies the conditions laid down.
 - iv. A person residing in India for more than 7 years and having adequate knowledge of a constitutionally recognised Indian language can seek citizenship by naturalization, provided he is not citizen of a country where Indian citizens are prevented from becoming citizens by naturalization.
 - v. If any new territory becomes a part of India, the persons of the territory become citizens of India.
6. Citizenship of India may be lost by:
 - i. Renunciation of citizenship
 - ii. Termination of citizenship, if a citizen of India voluntarily acquires the citizenship of another country.
 - iii. Deprivation of citizenship by the Government of India.

Directive Principles of State Policy

The Directive Principles are contained in Part IV of the Constitution. They aim at providing the social and economic base of a genuine democracy.

Important Directive Principles

Broadly speaking, there are three types of Directive Principles aimed at providing social and economic justice and ushering in a welfare state.

1. Socio-Economic Principles: They require the State:

- i. To provide adequate means of livelihood to all citizens
- ii. To prevent concentration of wealth and means of production and ensure equitable concentration of wealth and means of production and ensure equitable distribution of wealth and material resources;
- iii. To secure equal pay for equal work of men as well as women;
- iv. To ensure a decent standard of living and leisure for all workers;
- v. To provide necessary opportunities and facilities to children and youth to prevent their exploitation; and
- vi. To make efforts to secure the right to work, education and public assistance in case of unemployment, sickness, old age etc.

2. Gandhian Principles: These are the embodiment of the Gandhian programme for reconstruction. These include:

- i. The establishment of village panchayats to function as units of self government;
- ii. The promotion of educational and economic interests of weaker sections of society;
- iii. The promotion of cottage industries;
- iv. The prohibition of intoxicating drugs and drinks; and
- v. Prevention of the slaughter of cows, calves and other milch cattle etc.

3. Liberal Principles: The principles are based on liberal thinking and emphasise the need for A uniform civil code for the country;

- i. Free and compulsory education for all children up to the age of 14 years;
- ii. Separation of the judiciary and executive;
- iii. Organization of agriculture and animal husbandry along scientific lines;
- iv. Safeguarding the forests and wildlife of the country; and
- v. Protecting monuments and places of artistic or historical importance.

The real significance of the directive principles lies in the fact that they intend to provide social and economic democracy in the country without which political democracy is a farce.

Difference between Fundamental Rights and Directive Principles

1. Fundamental rights constitute limitations upon State action, while the Directive Principles are instruments and instruments of instruction to the Government.
2. The directive require to be implemented by legislation while fundamental rights are already provided in the Constitution.
3. The Directives are not enforceable in the Courts and do not create any justiciable rights in favour of the individuals, while the Fundamental Rights are enforceable by the Courts [Ref.: Art. 32, 37, 226(1)]
4. In case of any conflict between fundamental rights and directive principles the former should prevail in the Courts.
5. 42nd Amendment Act ensured that though the directives themselves are not directly enforceable it would be totally immune from unconstitutionality on the ground of contravention of the fundamental rights conferred by Arts. 14 and 19.
6. This attempt to confer a primacy upon the directives against the fundamental rights was foiled by the decision of the Supreme Court in Minerva Mills Case to the effect that a law would be protected by Art. 31 C only if it has been made to implement the directive in Art. 39b) -c) and not any of the other Directives included in part IV.

Directives Provided outside Part IV of the Constitution

1. State and every local authority within the state to provide adequate facilities for instruction in the mother – tongue at the primary state of education to children belonging to linguistic minority groups. [Ref.: Art. 350A]
2. Union to promote spread of Hindi language and to develop it as a medium of expression of all the elements of the composite culture of India. [Ref.: Art. 351]
3. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the union or a state. [Ref.: Art. 335]
4. Though the Directives contained in Arts. 335, 350A and 351 are not included in Part IV, Courts have given similar attention to them meaning that all parts of the Constitution should be read together.

Fundamental Duties

1. The Fundamental Duties are eleven in number, incorporated in Art. 51 A [Part IVA], which has been incorporated by the 42nd Amendment Act, 1976.
2. Under this Article, it is the duty of every citizen of India:
 - i. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
 - ii. To cherish and follow the noble ideals which inspired our National Struggle for freedom;
 - iii. To uphold and protect the sovereignty, unity and integrity of India;
 - iv. To defend the country;
 - v. To promote harmony and the spirit of common brotherhood amongst all the people of India;
 - vi. To value and preserve the rich heritage of our composite culture;
 - vii. To protect and improve the natural environment;
 - viii. To develop the scientific temper and spirit of inquiry;
 - ix. To safeguard public property;
 - x. To strive towards excellence in all spheres of individual and collective activity
 - xi. To provide opportunities for education to his child or ward as the case may be between the age of six and fourteen years.

Note: The 11th Fundamental Duty was added by the 86th Constitutional Amendment Act, 2002. There is no provision in the Constitution for direct enforcement of any of the Fundamental Duties not for any sanction to prevent their violation.

MCQ's with Explanations

1. Match List-I with List-II and identify the correct answer from the codes given below:

List-I	List II
(Name of Philosophy)	(Directive Principle)
a) Welfarism	i. Promotion of cottage industry
b) Socialism	ii. Better health and living standard
c) Gandhian Philosophy	iii. Promotion of international peace and security
d) Internationalism	iv. Equal pay for equal work

Codes: a	b	c	d
a) i	iii	ii	iv
b) ii	iii	i	iv
c) i	ii	iv	iii
d) ii	iv	i	iii

Ans

D

[Welfarism is based on the premise that actions, policies, and/or rules should be evaluated on the basis of their consequences. Welfarism is the view that the morally significant consequences are impacts on human (or animal) welfare. There are many different understanding of human welfare, but the term “welfarism” is usually associated with the economic conception of welfare. Economists usually think of individual welfare in terms of utility functions. Social welfare can be conceived as an aggregation of individual utilities or utility functions. Welfarism can be contrasted to other consequentialist theories, such as classical utilitarianism, which takes utility among agents as directly accessible and measurable. Welfarist views have been especially influential in the law and economics movement. Steven Shavell and Louis Kaplow have argued in an influential book, Fairness versus Welfare that welfare should be the exclusive criteria by which legal analysts evaluate legal policy choices.]

2. Which of the following is not a Directive Principle of State Policy?

- a) Right to adequate means of livelihood.
- b) Protection of language, script or culture of minorities.
- c) The state shall Endeavour to raise the level of nutrition and standard of living and to improve public health.
- d) To develop cottage industries.

Ans

B

[Directive Principle of State Policy:

ARTICLE 36. Definition. 37. Application of the principles contained in this part. 38. State to secure a social order for the promotion of welfare of the people. 39. Certain principles of policy to be followed by the State. 39A. Equal justice and free legal aid 40. Organisation of village panchayats. 41. Right to work, to education and to public assistance in certain cases. 42. Provision for just and humane conditions of work and maternity relief. 43. Living wage, etc., for workers. 43A. Participation of workers in management of industries 44. Uniform civil code for the citizens. 45. Provision for free and compulsory education for children 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. 47. Duty of the State to raise the level of nutrition and the Standard of living and to improve public health 48. Organisation of agriculture and animal husbandry. 48A. Protection and improvement of environment and safe guarding of forests and wild life. 49. Protection of monuments and places and objects of national importance. 50. Separation of judiciary from executive 51. Promotion of international peace and security.]

3. Which part of the Constitution of India is known as “Code of Administrators”?

- a) Part I
- b) Part II
- c) Part III
- d) Part IV

Ans

D

[The Constitution of India is the longest written constitution of any sovereign country in the world containing 448 articles in 22 parts, 12 schedules and 118 amendments.

The Constitution was adopted by the Constituent Assembly on 26 November 1949, and came into effect on 26 January 1950. The date 26 January was chosen to commemorate the Purna Swaraj declaration of independence of 1930. With its adoption, the Union of India officially

became the modern and contemporary Republic of India and it replaced the Government of India Act 1935 as the Country's fundamental governing document. To ensure constitutional autochthony, the constitutional framers inserted Article 395 in the constitutional and by this Article the India Independence Act, 1947 was replaced. The Constitution declares India to be a sovereign, socialist, secular, democratic republic, assuring its citizens of justice, equality, and liberty, and endeavours to promote fraternity among them. The words "socialist" and "secular" were added to the definition in 1976 by Constitutional amendment (mini constitution). India celebrates the adoption of the constitution on 26 January each year as Republic Day.

The individual Articles of the Constitution are grouped together into the following parts:

Preamble

1. Part I - Union and its Territory
2. Part II –Citizenship
3. Part III – Fundamental Rights
4. Part – IV – Directive Principles of State Policy

The Directive Principles of State Policy are guidelines to the central and state governments of India, to be kept in mind while framing laws and policies,. These provisions, contained in Part IV of the Constitution of India, are not enforceable by any court, but the principles laid down therein are considered fundamental in the governance of the country, making it the duty of the State to apply these principles in making laws to establish a just society in the country. The principles have been inspired by the Directive Principles given in the Constitution of Ireland and also by the principles of Gandhism; and relate to social justice, economic welfare, foreign policy, and legal and administrative matters.

Directive principles are classified under the following categories: Gandhian, economic and socialistic, political and administrative, justice and legal, environmental, protection of monuments and peace and security.

Directives

The directive principles ensure that the State shall strive to promote the welfare of the people by promoting a social order in which social, economic and political justice is informed in all institutions of life. Also, the State shall work towards reducing economic inequality as well as inequalities in status and opportunities, not only among individuals, but also among individuals, but also among groups of people residing in different areas or engaged in different vocations. The State shall aim for securing right to an adequate means of livelihood for all citizens, both men and women. The State should work to prevent concentration of wealth and means of production in few hands, and try to ensure that ownership and control of the material resources is distributed to best serve the common good. Child abuse and exploitation of workers should be prevented. Children should be allowed to develop in a healthy manner can should be protected against exploitation and against moral and material abandonment. The State shall provide free legal aid to ensure that equal opportunities for securing justice is ensured to all, and is not denied by reason of economic or other disabilities.

The State shall also work for organisation of village panchayats and help enable them to function as units of self-government. The State shall endeavour to provide the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, within the limits of economic capacity, as well as provide for just and humane conditions of work and maternity relief.

The State should also ensure living wage and proper working conditions for workers, with full enjoyment of leisure and social and cultural activities. Also, the promotion of cottage industries in rural

areas is one of the obligations of the State. The State shall take steps to promote their participation in management of industrial undertakings.

Also, the State shall endeavour to secure a uniform civil code for all citizens, and provide free and compulsory education to all children till they attain the age of 14 years. This directive regarding education of children was added by the 86th Amendment Act, 2002. It should and work for the economic and educational upliftment of scheduled castes, scheduled tribes and other weaker sections of the society.

The directive principles commit the State to raise the level of nutrition and the standard of living and to improve public health, particularly by prohibiting intoxicating drinks and drugs injurious to health except for medicinal purposes. It should also organise agriculture and animal husbandry on modern and scientific lines by improving breeds and prohibiting slaughter of cows, calves, other milch and draught cattle. It should protect and improve the environment and safeguard the forests and wild life of the country. This directive, regarding protection of the country. This directive, regarding protection of forests and wildlife was added by the 42nd Amendment Act, 1976.

Protection of monuments, places and objects of historic and artistic interest and national importance against destruction and damage, and separation of judiciary from executive in public services are also the obligations of the State as laid down in the directive principles. Finally, the directive principles, in Article 51 ensure that the State shall strive for the promotion and maintenance of international peace and security, just and honourable relations between nations, respect for international law and treaty obligations as well as settlement of international disputes by arbitration.

Implementation:

The State has made many efforts to implement the Directive Principles. The Programme of

Universalisation of Elementary Education and the five – year plans has been accorded the highest priority in order to provide free education to all children up to the age of 14 years. The 86th constitutional amendment of 2002 inserted a new article, Article 21-A, into the Constitution, that seeks to provide free and compulsory education to all children aged 6 to 14 years. Welfare schemes for the weaker sections are being implemented both by the Central and state governments. These include programmes such as boys' and girls' hostels for scheduled castes' or scheduled tribes' students. The year 1990-1991 was declared as the "Year of Social Justice" in the memory of B.R.Ambedkar. The government provides free text books to students belonging to scheduled castes or scheduled tribes pursuing medicine and engineering courses. During 2002-2003, a sum of Rs.4.77 crore was released for this purpose. In order that scheduled castes and scheduled tribes are protected from atrocities, the Government enacted The Prevention of Atrocities Act, which provided severe punishments for such atrocities.

Several Land Reform Acts were enacted to provide ownership rights to poor farmers. Up to September 2001, more than 2,000,000 acres (80,000km²) of land had been distributed to scheduled castes, scheduled tribes and the landless poor. The thrust of banking policy in India has been to improve banking facilities in the rural areas. The Minimum Wages Act of 1948 empowers government to fix minimum wages for employees engaged in various employments. The Consumer Protection Act of 1986 provides for the better protection of consumers. The act is intended to provide simple, speedy and inexpensive redressal to the consumers' grievances, award relief and compensation wherever appropriate to the consumer. The Equal Remuneration Act of 1976, provides for equal pay for equal work for both men and women. The Sampoorna Grameen Rozgar Yojana was launched in 2001 to

attain the objective of gainful employment for the rural poor. The programme was implemented through the Panchayati Raj institutions.

Panchayati Raj now covers almost all states and Union territories. One – third of the total number of seats have been reserved for women in Panchayats at every level; in the case of Bihar, half the seats have been reserved for women. Legal aid at the expenses of the state has been made compulsory in a cases pertaining to criminal law the accused is too poor to engage a lawyer. Judiciary has been separated from the executive in all the states and Union territories except Jammu and Kashmir and Nagaland.

India's Foreign Policy has also to some degree been influenced by the DPSPs. Has in the past condemned acts of aggression and has also supported the United Nation's peace keeping activities. By 2004, the Indian Army had participated 37 UN peace-keeping operation India played a key role in the passing of UN resolution in 2003 which envisaged better cooperation between the Security Council and the troop contributing countries. India has also been in favour of nuclear disarmament.

Amendments

Changes in directive Principles require a Constitutional amendment which has to be passed by a special major of both houses of the Parliament. This means that an amendment requires the approval of two-thirds of the members present and voting. However, the number of members voting should not be less than the simple majority of the house—whether the Lok Sabha or Rajya Sabha.

V Article 31-C inserted in to the Directive Principles of State Policy by the 25th Amendment Act of 1971 seeks to grade the DPSPs. If laws are made to give effect to the Directive Principles over Fundamental Rights, they shall not be invalid on the grounds that they take away the Fundamental Rights.

1. Article 45, which ensures Provisions for free and compulsory education for children, was added by the 86th Amendment Act, 2002.
2. Article 48-A, which ensures Protection and improvement of environment and safe-guarding of forests and wild life, was added by the 42nd Amendment Act, 1976.
3. Part IVA – Fundamental Duties, Part V - The Union and Part VI – The States.
4. Part VII – States in the B part of the First schedule (Repealed).
5. Part VIII – The Union Territories
6. Part IX – The Panchayats and Part IXA – The Municipalities
7. Part IXB – The Cooperative Societies
8. Part X – The scheduled and Tribal Areas
9. Part XA – Relations between the Union and the States.
10. Part XII – Finance, Property, Contracts and Suits
11. Part XIII – Trade and Commerce within the territory of India
12. Part XIV – Services under the Union, the States. Part XIVA – Tribunals
13. Part XV – Elections
14. Part XVI – Special Provisions Relating to certain Classes.
15. Part XVII – Languages
16. Part XVIII – Emergency Provisions
17. Part XIX – Miscellaneous
18. Part XX – Amendment of the Constitution
19. Part XXI – Temporary, Transitional and Special Provisions
20. Part XXII – Short title, date of commencement, Authoritative text in Hindi and Repeals]

4. Which part of the Constitution deals with the Fundamental Duties?

- a) IV A b) IX A c) XIV A d) X

Ans A

[List of Fundamental Duties: Art.51A, Part IVA of the Indian Constitution, specifies the list of fundamental duties of the citizens. It says "it shall be the duty of every citizen of India:

- i. To abide by the constitution and respect its ideal and institutions;
- ii. To cherish and follow the noble ideals which inspired our national struggle for freedom;
- iii. To uphold and protect the sovereignty, unity and integrity of India;
- iv. To defend the country and render national service when called upon to do so;
- v. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional diversities, to renounce practices derogatory to the dignity of women;
- vi. To value and preserve the rich heritage of our composite culture;
- vii. To protect and improve the natural environment including forests, lakes, rivers, and wild-life and to have compassion for living creatures;
- viii. To develop the scientific temper, humanism and the spirit of inquiry and reform;
- ix. To safeguard public property and to abjure violence;
- x. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement. Further, one more Fundamental duty has been added to the Indian Constitution by 86th Amendment of the constitution in 2002.
- xi. Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six and fourteen years.]

5. Which of the following is not a fundamental duty

- a) To respect national Anthem
- b) To protect monuments and places of national importance
- c) To safeguard private property
- d) To protect and improve the natural environment

Ans C

6. Which of the following are the ways of acquiring Indian citizenship?

1. Birth 2. Descent 3. Naturalization 4. Incorporation of territory

Select the correct answer from the code given below:

- a) 1 and 2 b) 1 and 4 c) 1, 2 and 3 d) 1, 2, 3 and 4

Ans D

[Granting of citizenship

Citizenship at the commencement of the constitution of India: Persons domiciled in the territory of India as on 26 November 1949 automatically became Indian citizens by virtue of operation of the relevant provisions of the Indian Constitution coming into force, and most of these constitutional provisions came into force on 26 January 1950. The Constitution of India also made provision regarding citizenship for migrants from the territories of Pakistan which had been part of India before partition.

Citizenship by birth : Any person born in India on or after 26 January 1950, but prior to the commencement of the 1986 Act on 1 July 1987, is a citizen of India by birth. A person born in India on or after 1 July 1987 is a citizen of India if either parent was a citizen of India at the

time of the birth. Those born in India on or after 3 December 2004 are considered citizens of India only if both of their parents are citizens of India or if one parent is a citizen of India and the other is not an illegal migrant at the time of their birth.

Citizenship by descent:

Persons born outside India on or after 26 January 1950 but before 10 December 1992 are citizens of India by descent if their father was a citizen of India at the time of their birth.

Person born outside India on or after 10 December 1992 are considered as citizens of India if either of their parents is a citizen of India at the time of their birth.

From 3 December 2004 onwards, persons born outside of India shall not be considered citizens of India unless their birth is registered at an Indian consulate within one year of the date of birth. In certain circumstances it is possible to register after 1 year with the permission of the Central Government. The application for registration of the birth of a minor child must be made to an Indian consulate and must be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.

Citizenship by registration:

The Central Government may, on an application, register as a citizen of India under section 5 of the Citizenship Act 1955 any person (not being an illegal migrant) if he belongs to any of the following categories:

1. A person of Indian origin who is ordinarily resident in India for seven years before making application under section 5(1)a) throughout the period of twelve months immediately before making application and for six years in the aggregate in the eight years preceding the twelve months).
2. A person of Indian origin who is ordinarily resident in any country or place outside undivided India;
3. A person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration; minor children of persons who are citizens of India;
4. A person of full age and capacity whose parents are registered a citizen of India.
5. A person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration;
6. A person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for one year before making an application for registration.

Citizenship by naturalization:

A foreigner who has resided In India for twelve years may naturalize as an Indian Citizen. The applicant must have lived a total of 12 years in India citizen. The applicant must have lived a total of 12 years in India in a period of 14 years, and must have lived in India for 12 months uninterrupted prior to applying for citizenship.

7. Which of the following articles incorporated with international peace and security?
a) Article 25 b) Article 29 c) Article 44 d) Article 51
Ans D
[Article 51: Promotion of international peace and security The State shall Endeavour to
a) promote international peace and security; b) maintain just and honorable relations between
nations; c) foster respect for international law and treaty obligations in the dealings of
organized peoples with one another; and encourage settlement of international disputes by
arbitration PART IVA FUNDAMENTAL DUTIES]
8. Which part of the Constitution refers to the responsibility of the state towards international
peace and security?
a) Fundamental rights b) Directive principles of state policy
c) Emergency provisions d) Preamble of the constitution
Ans B
9. Directive Principles of State policy incorporated in which part of the Constitution?
a) Part III b) Part II c) Part IV d) Part IX
Ans C
10. Which part of the Constitution refers to the responsibility of the state towards international
peace and security?
a) Fundamental Rights b) Directive Principles of State Policy
c) Emergency provisions d) Preamble of the Constitution
Ans B
11. The Directive Principles of state policy is taken from
a) Irish constitution b) British Constitution
c) US Constitution d) Japan Constitution
Ans A
12. The Directive Principles of State Policy seek to establish
a) Political democracy b) Cultural democracy
c) Social and economic democracy d) Political and cultural democracy
Ans C
13. The idea of Fundamental Duties has been taken from
a) USSR b) USA c) Germany d) France
Ans A

Chapter No- 6

Amendment Of The Constitution

Amending the Constitution

1. The alteration of certain provisions of the Constitution are not considered amendment of the constitution. Such provisions can be altered by the Parliament by a simple majority.
2. Other provisions of the Constitution can be changed only by the process of 'amendment' prescribed in Art.368.
3. In the case of provisions which affect the federal structure, a ratification by the legislatures of at least half of the states, is required before the Bill is presented to the President for his assent. Such provisions are:
 - i. The manner of election of the President [Ref.:Arts.54, 55]
 - ii. Extent of the executive power of the Union and the states [Ref.:Arts. 73,162]
 - iii. The Supreme Court and the High Courts [Art.241, Chap. IV of part V. Chap.V of part VI];
 - iv. Distribution of legislative power between the Union and the States[Chap]. Of Part XI;
 - v. Any of the Lists in the 7th Schedule;
 - vi. Representation of the States in Parliament {Arts.80-81, 4th Schedule};
 - vii. Provisions of Art. 368 itself.
4. There is no separate Constituent body provided for by our Constitution for the amending process.
5. An amendment of the Constitution can be initiated only by the introduction of a Bill for the purpose in either House of Parliament.
6. The Amendment Bill should be passed by each House by a Special majority i.e. , more than 50% of the total membership of that House and by a majority of not less than two –thirds of the members of that House present and voting.
7. Constitution stands amended in accordance with the terms of the Amendment Bill after President's assent is accorded to it.

The Blend Of Rigidity And Flexibility In The Procedure For Amendment

1. The procedure for amendment is 'rigid' in so far as it requires a special majority and a special procedure.
2. There is no separate body for amending the Constitution, as exists in some other countries (e.g. a Constitutional convention)
3. The State Legislatures cannot initiate any Bill or proposal for amendment of the Constitution.
4. Subject to the provisions of Art. 368, Constitution Amendment Bills are to be passed by the Parliament in the same way as Ordinary Bills.
5. The Procedure for joint session is not applicable to Bills for amendment of the Constitution.
6. The Previous sanction of the President is not required for introducing any Bill for amendment of the Constitution.
7. The requirement relating to ratification by which the state Legislatures is more liberal than the corresponding provisions in the American constitution. The latter requires retification by three fourths of the states.
8. The amendment of Art.368 in 1971 has made it obligatory for the President to give his assent to a Bill for amendment of the Constitution, when it is presented to him after its passage by the Legislature [Ref.:24th Amendment 1971].

Whether Fundamental Rights are Amendable

1. Until the case of Golak Nath, Supreme Court held that no part of our Constitution was un-amendable.
2. In Golak Nath's case (1967) a majority of six judges, in a special bench of eleven, overruled the previous decisions and held that if any of such rights is to be amended, a new Constituent Assembly must be convened for making a new Constitution or radically changing it.
3. Constitution (24th Amendment) Act, 1971, held that an amendment of the Constitution passed in accordance with Art. 368, will not be law within the meaning of Art 13 and the validity of a Constitution Amendment Act shall not be questioned on the ground that it takes away or affects a fundamental right [Ref. Art. 368(3)]
4. Validity of the 24th Constitution Amendment Act itself was challenged in the case of Keshavananda Bharati.
5. In the case of Keshavananda Bharati the Supreme court overruled its own decision given in the case of Golak Nath and held that the Parliament could amend any provision of the constitution including fundamental rights in accordance with.

The Doctrine of Basic Features

1. The Supreme court held in the case of Keshavananda Bharati that there are certain basic features of the Constitution of India, which can not be altered by an amendment under Art.368.
2. Article 31C, introduced by 25th Amendment Act provided that if any law seeks to implement the directive principles contained in Art. 39b) –c) i.e., regarding socialistic control and distribution of the material resources of the country such law shall not be void on the ground of contravention of Art. 14, or 19. The Supreme Court later held that Art.368 did not empower the Parliament to take away judicial review, in the name of 'amending' the Constitution.
3. The 42nd Amendment 1976 inserted two clauses in Art. 368 to the effect that Constitution Amendment Act "Shall be called in Question in any court on any ground". These clauses were nullified by the Supreme Court in the Minerva Mills case.
4. There are three implications of the decision in Keshavananda Bahrati's case.
 - i. Any part of the Constitution may be amended as per the procedure laid down in Art. 268.
 - ii. No referendum or reference to Constituent Assembly is required to amend any provision of the Constitution.
 - iii. Basic features of the Constitution can not be amended.
5. There is no limited list of basic features. In so many decisions the Supreme Court has declared different things a basic features. Prominent among them are the following
 - i. Supremacy of the Constitution
 - ii. Rule of law
 - iii. The principle of separation of powers.]
 - iv. The objectives specified in the Preamble to the Constitution
6. Judicial review; Art.32.
7. Federalism.
 - i. Secularism
 - ii. The Sovereign, Democratic, Republican structure
8. Freedom and dignity of the individual
9. Unity and integrity of the Nation.
10. The Principle of equality, not every feature of equality, but the quintessence of equal justice.
11. The 'essence' of fundamental rights in Part III.

12. The concept of social and economic justice to build a Welfare State.
13. The balance between fundamental rights and directive principles.
14. The Parliamentary system of Government.
15. The principle of free and fair elections.
16. Limitation upon the amending power conferred by Art. 368.
17. Independence of the Judiciary.
18. Effective access to justice.
19. Powers of the Supreme Court under Arts. 32, 136, 141, 142.

MCQ's with Explanations

1. Which of the following statements are not true about the process of constitutional Amendment in India?
- a) The Parliament can amend the Constitution with a special majority.
 - b) State Assemblies can propose amendment in the Constitution.
 - c) A Bill for Constitution Amendment can be introduced only in the Lower House of the Parliament.
 - d) Deadlock between the two Houses of Parliament over a Bill for Constitution Amendment can be removed by a joint session of the Parliament.
 - e) The President of India enjoys the veto power over Constitutional Amendment Bills passed by the Parliament.
- Select the correct answer from the codes given below.
- a) a, c and d b) b, c, d and e c) a, d and e d) a, b, c and d

Ans

B

[The constitution provided for three categories of amendments are those contemplated in articles 4 (2), 169 (3) – 1962, 239A (2) – 1962, 239AA (7b) – 1991, 243M (4b) – 1992, 243ZC (3) – 1992, 244A (4) – 1969, 356 (1)c, para 7(2) of schedule V and para 21 (2) of Schedule VI. These amendments can be effect majority by Parliament by a simple majority such as that required for the passing of any ordinary law. The amendments under this category are specifically excluded from the purview of article 368 which is the specific provision in the Constitution dealing with the power and the procedure for the amendment of the Constitution. Article 4 provide that laws made by Parliament under article 2 (relating to admission or establishment of new States) and article 3 (relating to formation of new States and alternation of areas, boundaries or names of existing States) effecting amendments in the First Schedule or the Fourth Schedule and supplemental, incidental and consequential matters shall not be deemed to be amendments of the Constitution for the purposes of article 368. For example, the States Reorganisation Act, 1956, Which brought about reorganisation of the States in India, was passed by Parliament as an ordinary piece of legislation. In *Mangal Singh v. Union of India* (A.I.R. 1967 S.S. 944), the Supreme Court held that power to reduce the total number of members of Legislative Assembly below the minimum prescribed under article 170 (1) is implicit in the authority 4. Article 169 empowers Parliament to provide by law for the abolition or creation of the Legislative Councils in States and specifies that though such law shall contain such provisions for the amendment of the Constitutions as may be necessary, it shall not be deemed to be an amendment of the Constitution for the purposes of article 368. The Legislative Councils Act, 1957, which provided for the creation of a Legislative Council in Andhra Pradesh and for increasing the strength of the Legislative Councils in certain other States, is an example of a law passed by Parliament in exercise of its powers under article 169. The Fifth Schedule contains provisions as to the administration and control of the administration and control of the Schedule Areas and Scheduled Tribes. Para 7 of the

Schedule vests Parliament with plenary powers to enact laws amending the Schedule and lays down that no such law shall be deemed to be an amendment of the Constitution for the purposes of article 368. Under para 21 of the Sixth Schedule, Parliament has full power to enact laws amending the Sixth Schedule which contains provisions for the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram. No such law, will be deemed to be an amendment of the Constitution for the purposes of article 368.

The Second category includes amendments that can be effected by Parliament by a prescribed 'special majority'; and the third category of amendments includes those that require, in addition to such "special majority", ratification by at least one half of the state Legislatures. The last two categories are governed by article 368.

Ambedkar speaking the Constituent Assembly on 17 September 1949, pointed out that there were "innumerable articles in the Constitution" which left matters subject to law made by Parliament. Under article 11, Parliament may make any provision relating to citizenship not withstanding anything in article 5 to 10. Thus, by passing ordinary laws, Parliament may, in effect, provide, modify or annul the operation of certain provisions of the Constitution without actually amending them within the meaning of article 368. Since such laws do not in fact make any change what so ever in the letter of the Constitution, they cannot be regarded as amendments of the Constitution nor categorised as such. Other examples include Part XXI of the Constitution—"Temporary, Transitional and Special Provisions" whereby "Notwithstanding anything in this Constitution" power is given to Parliament to make laws with respect to certain matters included in the State List (article 369); article 370 (1) d) which empowers the President to modify, by order, provisions for the Constitution in their application to the State of Jammu and Kashmir; provisions to article 83 (2) and 172 (1) empower Parliament to extend the lives of the House of the people and the Legislative Assembly of every state beyond a period of five years during the operation of a Proclamation of Emergency; and articles 83(1) and 172 (2) provide that the Council of States/Legislative Council of a state shall not be subject to dissolution but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.]

2. Which constitutional amendment provided for the setting up of Administrative Tribunals in India?

a) 24th Amendment b) 59th Amendment c) 42nd Amendment d) 44th Amendment

Ans

C

[323A. Administrative Tribunals- (1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.]

3. In which of the following case the Supreme Court of India held that, the power of amendment belonged to the Parliament, and this power was an unlimited one?

a) SankariPrasad V. Union of India
b) Bela Banerjee and Others V. State of West Bengal
c) KesavanadaBharti V. State of Kerala
d) RomeshThapar V. State of Madras

Ans

A

2. Indirect elections to the post of Chairperson of Panchayats at the intermediate and district levels.
3. Representation of Members of Parliament and State Legislature on Panchayati Raj institutions.
4. Reservation of seats for backward classes.

Select the correct answer from the code given below:

- a) 1,2 and 4 b) 2,3 and 4 c) 1,2 and 3 d) 3 and 4

Ans

D

[73rd Amendment Constitution of India: Definition in this Part, unless the context otherwise requires:

a) "district" means a district in a State; b)"Gram Sabha " means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level; c)"Intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part; d)"Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

e) "Panchayat area" means the territorial area of a Panchayat; f)"Population' means the population as ascertained at the last preceding census of which the relevant figures have been published;

g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243-A.Grama Sabha

-A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243-B. Constitution of Panchayats

a) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243-c.Composition of Panchayats

a) Subject to the provisions of this part, the Legislature of a State may, by law, making provisions with respect to the composition of Panchayats : provided that the ratio between the population of the territorial area to a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

b) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area. c) The Legislature of a State may, by law, provide for the representation –

a) of the Chairpersons of the Panchayat at the village level, in the Panchayat at the intermediate level or, in the case of a state not having Panchayat at the intermediate level, in the Panchayat at the district level; b) of the Chairpersons of the Panchayat at the intermediate level, in the Panchayat at the district level; c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat; d) of the members of the Council of State and the members of the Legislative Council of the State, where they are registered as electors within- (i) A Panchayat area at the intermediate level, in Panchayat at the intermediate level, in Panchayat at the intermediate level; (ii) a Panchayat area at the district level, in Panchayat at the district level. d) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of –

a) a Panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

243-D. Reservation of seats –

(1) Seats shall be reserved for –

a) The Scheduled Castes; and b) the Scheduled Tribes,. In every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

b) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled castes or, as the case may be, the Scheduled Tribes.

c) Not less than one – third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

d) The offices of the Chairpersons in the Panchayat at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of State may, by law, provide: Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State 'Provided further that not less than one-third of the total number of offices of Chair persons in the Panchayats at each level shall be reserved for women.

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243-E. Duration of Panchayats etc.

a) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer. b) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment. Till the expiration of its duration specified in clause (1). (3) An election to constitute a Panchayat shall be completed- a) Before the expiry of its duration specified in clause (1): b) Before the expiration of a period of six months from the date of its dissolution: Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat.

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243-F. Disqualifications for membership:

a) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty – five years of age, if he has attained the age of twenty-one years; b) if he is so disqualified by or under any law made by the Legislature of the State. b) if any question arises as to whether a member of a Panchayat has become subject to any of the disqualification mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243-G. Powers, authority and responsibilities of Panchayats-

Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

a) the preparation of plans for economic development and social justice; b) the implementation of schemes for economic development and social justice s may be entrusted to them including those in relation to the matters limited in the Eleventh Schedule.

243-H-Powers to impose taxes by, and Funds of the Panchayats- The Legislature of a State may, by law,-

a) Authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits; b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purpose and subject to such conditions and limits; c) Provide for making such grant-in-aid to the Panchayats from the Consolidated Fund of the State; and d) Provide for constitution of such funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom as may be specified in the law.

243-1-Constituion of Finance Commission to review financial position.

a) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to-

a) The principles which should govern-

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this part and the allocation between and Panchayats at all levels of their respective shares of such proceeds; (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats.]

8. Which of the following are matters on which a constitutional amendment is possible only with the ratification of the legislature of not less than one-half of the states?
- | | | | |
|---|--|--------------|--------------|
| 1. Election of the President | 2. Representation of states in Parliament | | |
| 3. Any of the Lists in the 7th Schedule | 4. Abolition of the Legislature Council of a State | | |
| a) 1,2 and 3 | b) 1,2 and 4 | c) 1,3 and 4 | d) 2,3 and 4 |

Ans

A

[Part XX of The Constitution of India contains only one Article 368. It deals with the power of the Parliament to amend the Constitution. It lays down two special methods for the amendment of various parts of the constitution. Along with it the Union Parliament has the power to change some specified features/parts of the Constitution by passing an ordinary law.

Two Special Methods of Amendment under Art 368.

I. Amendment by 2/3rd Majority of Parliament:

Most parts of the Constitution (with exception of some specific provisions) can be amended by this method. Under this method, the Constitution can be amended by the Union Parliament alone. For this

Purpose an amendment bill can be passed by each of the two Houses of Union Parliament by a majority of its total membership (i.e. absolute majority) and by a two-third majority of members present and voting in each House. It is a rigid method in so far as it prescribes a special majority for amending the constitution but it is considered to be a flexible method because under it the Union Parliament alone can pass any amendment.

II. Amendment by 2/3rd Majority of the Parliament plus Ratification by at least half of the several State Legislatures:

In respect of some specified provisions of the Constitution, a very rigid method of amendment has been prescribed.

In respect of these the amendment-making involves two stages:

First, the amendment bill is to be passed by both the Houses of the Union Parliament by a majority of total membership and a 2/3rd majority of members present and voting in each House.

Secondly, after this the amendment bill has to secure ratification from at least half of the several State Legislatures (now at least 14 state legislatures). Only then it gets finally passed and incorporated as a part of the Constitution when the President Puts his signatures on the bill.

The following provisions of the Constitution can be amended by this rigid method:

(i) Election of the President . (ii) Scope of the executive power of the Union. (iii) Scope of the executive power of a State. (iv) Provisions regarding High Courts in Union Territories. (V) Provisions regarding Supreme Court of India. (Vi) Provisions regarding High Court in States. (Vii) Legislative Relations between the Union and States. (Viii) Any of the Lists in the Seventh Schedule. (Division of powers between the Union and states) (ix) Representation of States in the Parliament. (x) The Provisions of Article 368. (Method of Amendment)

III. Additional Amendment making by A simple Majority in the Two Houses of Parliament:

In respect of some provisions of the Constitution the Parliament has been given the power to make necessary changes by passing as a law in the normal way. i.e. by simple majority of members of both of its Houses. It is, indeed, an easy method of amendment.

It applies to the following provisions of the Constitution:

(i) A Admission/formation of new States and alternation of areas, boundaries or names of existing States. (ii) Citizenship provision (iii) Provision regarding delimitation of constituencies. (iv) Quorum of the two Houses of Parliament. (v) Privileges and Salaries and allowances of the MPs. (Vi) Rule of procedure in each House of the Parliament. (Vii) English as a language of the Parliament. (Viii) Appointment of Judges and jurisdiction of Supreme Court. (ix) Creation or abolition of Upper Houses in any state. (x) Legislatures for Union Territories. (xi) Elections in the country. (Xii) Official language of India (xiii) Second, fifth and sixth Schedules of the Constitution.

These methods of amendment reflect a mixture of rigidity and flexibility in the Indian Constitution.]

9. Assertion a) : The reservation of thirty-three per-cent of seats from women in Parliament and State Legislature does not require Constitutional amendment.

Reason(R): Political parties contesting elections can allocate thirty-three Percent of seats they contest to women candidates without any Constitutional amendment.

- a) Both A and R are true and R is the correct explanation of A
b) Both A and R are true but R is not the correct explanation of A
c) A is true but R is false
d) A is false but R is true

Ans

D

10. An amendment to the Constitution of India can be initiated by the

1. Lok Sabha 2. Rajya Sabha 3. State Legislature 4. President
a) 1 alone b) 1, 2 and 3 c) 2, 3 and 4 d) 1 and 2

Ans

D

11. An amendment to the Constitution of India can be initiated by the
1. Lok Sabha 2. Rajya Sabha 3. State Legislature 4. President
a) 1 alone b) 1,2 and 3 c) 2,3 and 4 d) 1 and 2
Ans D
12. An amendment to the Constitution of India can be initiated by the
1. Lok Sabha 2. Rajya Sabha 3. State Legislature 4. President
a) 1 alone b) 1,2 and 3 c) 2,3 and 4 d) 1 and 4
Ans D
13. Match List I with List II
List I
(Amendments to the Constitution):
A. The Constitution (Sixty-ninth Amendment) Act, 1991.
B. The Constitution (Seventy-fifth Amendment) Act, 1994
C. The Constitution (Eighteenth Amendment) Act, 2000
D. The Constitution (Eighty-third Amendment) Act, 2000
List II:
1. Establishment of state level Rent Tribunals
2. No reservations for Scheduled Castes in Panchayats in Arunachal Pradesh
3. Constituion of Panchayats in villages or at other local level
4. Accepting the recommendations of the Tenth Finance Commission
5. According the status of National Capital Territory to Delhi
a) A-5,B-1,C-4,D-2 b) A-1,B-5,C-3,D-4
c) A-5,B-1,C-3,D-4 d) A-1,B-5,C-4,D-2
Ans A
14. If a new state of the Indian Union is to be created, which one of the following schedules of the Constitution must be amended?
a) First b) Second c) Third d) Fifth
Ans A
[Article 1 and 4]
15. The method of amendment of Indian Constitution has been incorporated in Article
a) 368 b) 299 c) 378 d) 301
Ans A
16. Which amendment incorporated Right to Education to the Constitution?
a) 86th b) 42nd c) 44th d) 74th
Ans A
17. 44th Amendment was passed in the year
a) 1975 b) 1976 c) 1977 d) 1978
Ans D
18. Which Government pioneered 44th constitutional amendment?
a) Nehru Govt. b) Moraji Desai Govt. c) V.P.Singh Govt. d) P.V.Rao Govt.
Ans B

19. In which Constitutional Amendment Act seats of Lok Sabha were increased from 525 to 545?
a) 21st Constitutional Amendment Act, 1967 b) 24th Constitutional Amendment Act, 1971
c) 25th Constitutional Amendment Act, 1971 d) 31st Constitutional Amendment Act, 1973
Ans D
[31st Constitutional Amendment Act, 1973 – By this amendment the seats of Lok Sabha was increased from 525 to 545 but reduced the representation of UT's in Lok Sabha from 25 to 20.]
20. In which Constitutional Amendment Act Sikkim was made fully fledged State of the Union of India?
a) 21st Constitutional Amendment Act b) 31st Constitutional Amendment Act, 1973
c) 35th Constitutional Amendment Act, 1974 d) 36th Constitutional Amendment Act, 1975
Ans D
[By 36th Constitutional Amendment Act, 1975 Sikkim was made fully fledged State of the Union of India.]
21. In which Constitutional Amendment Act Goa was made a fully fledged State with a State assembly?
a) 43rd Constitutional Amendment Act, 1977 b) 44th Constitutional Amendment Act, 1978
c) 56th Constitutional Amendment Act, 1987 d) 57th Constitutional Amendment Act, 1987
Ans C
[In 56th Constitutional Amendment Act, 1987 Goa was made fully fledged State with a State Assembly but Daman and Diu Stayed as UT.]
22. In which Constitutional Amendment Act An authoritative text of the Constitution in Hindi was provided to the people of India by the President?
a) 57th Constitutional Amendment Act, 1987 b) 58th Constitutional Amendment Act, 1987
c) 59th Constitutional Amendment Act, 1988 d) 61st Constitutional Amendment Act, 1988
Ans B
23. Which Constitutional Amendment Act, provided reservation in admission in private unaided educational institutions for students belonging to scheduled castes/tribes and other backward classes?
a) 92nd Constitutional Amendment Act, 2003 b) 93rd Constitutional Amendment Act, 2005
c) 94th Constitutional Act, 2006 d) 95th Constitutional Act, 2009
Ans B
24. Under which Constitutional Amendment Act, Article 368 of the Constitutional was amended for the first time-
a) 25th Amendment Act b) 26th Amendment Act
c) 24th Amendment Act d) 27th Amendment Act
Ans C
25. Before which Constitutional Amendment, Prince, Chief or other person were recognized by the President of India as the Ruler of the India State—
a) 26th Amendment Act 1971 b) 24th Amendment Act 1971
c) 16th Amendment Act 1963 d) 17th Amendment Act 1964
Ans A

26. Under which Constitutional Amendment Privy Pursers were abolished –
a) 36th Amendment Act 1975 b) 26th Amendment Act 1971
c) 16th Amendment Act 1963 d) 17th Amendment Act 1964
Ans B
4. In India who amended the Constitution through the first Amendment Bill 1951 –
a) Lok Sabha b) Rajyasahha c) Provisional Parliament d) Parliament
Ans C
5. Which Constitutional Article was very much affected in the Supreme Court Judgment of Kesavanan Bharati vs. State of Kerala—
a) Article 352 b) Article 368 c) Article 31 d) Article 342
Ans B
6. On which subject, Parliament has the power to amend the Constitution and the same also need ratiscation by the State Legislature—
a) Articles 54, 55, 73, 162 and 241 or Chapter IV of Part V, Chapter V of Part VI or Chapter I of Part IX
b) Any of the Lists in the Seventh Schedules of the representation of State on Parliament
c) The Provisions of Article 368 d) All the above
Ans d)
7. After 44th Constitutional Amendment provisions relating with election in Part XV of the Constitution of India have been retained in how many Articles—
a) 324-329A b) 324-329 c) 324-327 d) 224-228
Ans B
8. Under which Constitutional Amendment, provision for minimum age as 18 years for the Indian citizen was made to become eligible to vote—
a) 60th Amendment /act 1988 b) 61st Amendment Act 1989
c) 62nd Amendment Act 1989 d) None of the above
Ans B
9. Before 61st Amendment Act 1989. What was the age of Indian citizen eligible to vote in the Election—
a) 23 b) 24 c) 21 d) 22
Ans C